

Senate File 2237 - Reprinted

SENATE FILE 2237
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3188)

(As Amended and Passed by the Senate February 16, 2010)

A BILL FOR

1 An Act relating to nonsubstantive Code corrections and
2 providing effective dates and for retroactive applicability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS PROVISIONS

Section 1. Section 9A.102, subsection 2, Code Supplement 2009, is amended to read as follows:

2. "*Athlete agent*" means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency contract. "*Athlete agent*" includes an individual who represents to the public that the individual is an athlete agent. "*Athlete agent*" does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. "*Athlete agent*" does not include an individual licensed to practice as an attorney in this state when the individual is acting as a representative for a student athlete, unless the attorney also represents the student athlete in negotiations for an ~~agent~~ agency contract.

Sec. 2. Section 9H.1, subsection 18, paragraph b, Code 2009, is amended to read as follows:

b. Corporations which qualify under ~~Title 26, section 26 U.S.C. § 501(c)(3) of the United States Code.~~

Sec. 3. Section 10B.1, subsection 9, paragraph b, Code 2009, is amended to read as follows:

b. A corporation which qualifies under ~~Title 26, section 26 U.S.C. § 501, of the United States Code.~~

Sec. 4. Section 12B.10B, subsection 1, Code 2009, is amended to read as follows:

1. Political subdivisions shall approve written investment policies which incorporate the guidelines specified in ~~section sections~~ sections 12B.10, sections 12B.10A through, this section, and section 12B.10C, and any other provisions deemed necessary to adequately safeguard invested public funds.

Sec. 5. Section 20.4, subsection 2, Code Supplement 2009, is amended to read as follows:

2. Representatives of a public employer, including the

1 administrative officer, director or chief executive officer
 2 of a public employer or major division thereof as well as
 3 the officer's or director's deputy, first assistant, and
 4 any supervisory employees. "*Supervisory employee*" means any
 5 individual having authority in the interest of the public
 6 employer to hire, transfer, suspend, ~~layoff~~ lay off, recall,
 7 promote, discharge, assign, reward or discipline other public
 8 employees, or the responsibility to direct them, or to adjust
 9 their grievances, or effectively to recommend such action, if,
 10 in connection with the foregoing, exercise of such authority
 11 is not of a merely routine or clerical nature, but requires
 12 the use of independent judgment. All school superintendents,
 13 assistant superintendents, principals and assistant principals
 14 shall be deemed to be supervisory employees.

15 Sec. 6. Section 28E.17, subsection 1, Code 2009, is amended
 16 to read as follows:

17 1. It is the public policy of this state to encourage the
 18 establishment or acquisition of urban mass transit systems and
 19 the equipment, maintenance, and operation thereof by public
 20 agencies in cooperation with, and with the assistance of the
 21 urban mass transportation administration of the United States
 22 department of transportation, pursuant to the provisions of
 23 the Urban Mass Transportation Act of 1964, as amended, ~~Title~~
 24 ~~49, sections 1601~~ 49 U.S.C. § 5301 et seq., ~~United States~~
 25 ~~Code~~, which requires unification or official coordination of
 26 local mass transportation services on an area-wide basis as a
 27 condition of such assistance.

28 Sec. 7. Section 43.31, Code Supplement 2009, is amended to
 29 read as follows:

30 **43.31 Form of official ballot — implementation by rule.**

31 The state commissioner shall adopt rules in accordance
 32 with chapter 17A to implement sections 43.27 through 43.30,
 33 section 43.36, sections 49.30 through 49.33, sections 49.36
 34 through 49.41, section 49.57, and any other provision of the
 35 law prescribing the form of the official ballot.

1 Sec. 8. Section 53.40, subsection 3, Code Supplement 2009,
2 is amended to read as follows:

3 3. If the affidavit on the affidavit envelope shows that
4 the affiant is not a qualified voter on the day of the election
5 at which the ballot is offered for voting, the envelope shall
6 not be opened, but the envelope and ballot contained in the
7 envelope shall be preserved and returned by the precinct
8 election officials to the commissioner, who shall preserve them
9 for the period of time and under the conditions provided for in
10 sections 50.12 ~~through~~, 50.13, 50.15, and ~~section~~ 50.19.

11 Sec. 9. Section 53.41, subsection 3, Code 2009, is amended
12 to read as follows:

13 3. Not more than one ballot shall be transmitted by the
14 commissioner to any voter for a particular election unless
15 after the ballot has been mailed the voter reports a change
16 in the address to which the ballot should be sent. A ballot
17 shall be mailed using a serial number that indicates that this
18 is a replacement sent to an updated address. The original
19 ballot shall be counted only if the replacement ballot does
20 not arrive. If the commissioner receives more than one
21 absent voter's ballot, provided for by this division, from or
22 purporting to be from any one voter for a particular election,
23 all of the ballots so received from or purporting to be from
24 such voter are void, and the commissioner shall not deliver any
25 of the ballots to the precinct election officials, but shall
26 retain them in the commissioner's office, and preserve them for
27 the period and under the conditions provided for in sections
28 50.12 ~~through~~, 50.13, 50.15, and ~~section~~ 50.19.

29 Sec. 10. Section 76.2, subsection 1, paragraph a, Code
30 Supplement 2009, is amended to read as follows:

31 a. The governing authority of ~~these political subdivisions~~ a
32 political subdivision specified in section 76.1, subsection
33 1, before issuing bonds shall, by resolution, provide for the
34 assessment of an annual levy upon all the taxable property in
35 the political subdivision sufficient to pay the interest and

1 principal of the bonds within a period named not exceeding
 2 the applicable period of time specified in section 76.1. A
 3 certified copy of this resolution shall be filed with the
 4 county auditor or the auditors of the counties in which the
 5 political subdivision is located; and the filing shall make
 6 it a duty of the auditors to enter annually this levy for
 7 collection from the taxable property within the boundaries
 8 of the political subdivision until funds are realized to pay
 9 the bonds in full. The levy shall continue to be made against
 10 property that is severed from the political subdivision after
 11 the filing of the resolution until funds are realized to pay
 12 the bonds in full.

13 Sec. 11. Section 92.9, subsection 4, Code 2009, is amended
 14 to read as follows:

15 4. The apprentice is registered by the ~~bureau~~ office of
 16 apprenticeship ~~and training~~ of the United States department of
 17 labor as employed in accordance with the standards established
 18 by that department.

19 Sec. 12. Section 92.18, Code 2009, is amended to read as
 20 follows:

21 **92.18 Migratory labor — defined.**

22 As used in this chapter, the term "*migratory labor*"
 23 shall include any person who customarily and repeatedly
 24 travels from state to state for the purpose of obtaining
 25 ~~seasonable~~ seasonal employment.

26 Sec. 13. Section 96.9, subsection 4, paragraph a, Code
 27 Supplement 2009, is amended to read as follows:

28 a. (1) Money credited to the account of this state in
 29 the unemployment trust fund by the secretary of the treasury
 30 of the United States pursuant to ~~section~~ § 903 of the Social
 31 Security Act may not be requisitioned from this state's account
 32 or used except for the payment of benefits and for the payment
 33 of expenses incurred for the administration of this chapter.
 34 Such money may be requisitioned pursuant to subsection 3 of
 35 this section for the payment of benefits. Such money may also

1 be requisitioned and used for the payment of expenses incurred
 2 for the administration of this chapter but only pursuant to
 3 a specific appropriation by the legislature and only if the
 4 expenses are incurred and the money is requisitioned after the
 5 enactment of an appropriation law which ~~(1) specifies:~~

6 (a) Specifies the purposes for which such money is
 7 appropriated and the amounts appropriated therefor, ~~(2) limits;~~

8 (b) Limits the period within which such money may be
 9 obligated to a period ending not more than two years after the
 10 date of the enactment of the appropriation law, ~~and (3) limits~~

11 (c) Limits the amount which may be obligated during a
 12 twelve-month period beginning on July 1 and ending on the next
 13 June 30 to an amount which does not exceed the amount by which
 14 the aggregate of the amounts transferred to the account of
 15 this state pursuant to ~~section~~ § 903 of the Social Security
 16 Act exceeds the aggregate of the amounts used by this state
 17 pursuant to this chapter and charged against the amounts
 18 transferred to the account of this state during the same
 19 twelve-month period.

20 (2) For purposes of this subsection, amounts used by
 21 this state for administration shall be chargeable against
 22 transferred amounts at the exact time the obligation is entered
 23 into. The use of money appropriated under this subsection
 24 shall be accounted for in accordance with standards established
 25 by the United States secretary of labor.

26 Sec. 14. Section 96.20, subsection 2, Code Supplement 2009,
 27 is amended to read as follows:

28 2. a. The department may enter into arrangements with the
 29 appropriate agencies of other states, or a contiguous country
 30 with which the United States has an agreement with respect to
 31 unemployment compensation or of the federal government ~~(a)~~
 32 ~~whereby:~~

33 (1) Whereby wages or services, upon the basis of which
 34 an individual may become entitled to benefits under the
 35 unemployment compensation law of another state or of the

1 federal government, shall be deemed to be wages for employment
 2 by employers for the purposes of section 96.3 and section 96.4,
 3 subsection 5; provided such other state agency or agency of the
 4 federal government has agreed to reimburse the fund for such
 5 portion of benefits paid under this chapter upon the basis of
 6 such wages or services as the department finds will be fair and
 7 reasonable as to all affected interests, and ~~(b) whereby~~
 8 (2) Whereby the department will reimburse other state
 9 or federal agencies charged with the administration of
 10 unemployment compensation laws with such reasonable portion of
 11 benefits, paid under the law of any such other states or of the
 12 federal government upon the basis of employment or wages for
 13 employment by employers, as the department finds will be fair
 14 and reasonable as to all affected interests.

15 b. Reimbursements so payable shall be deemed to be benefits
 16 for the purposes of section 96.3, subsection 5, paragraph "a",
 17 and section 96.9, but no reimbursement so payable shall be
 18 charged against any employer's account for the purposes of
 19 section 96.7, unless wages so transferred are sufficient to
 20 establish a valid claim in Iowa, and that such charges shall
 21 not exceed the amount that would have been charged on the
 22 basis of a valid claim. The department is hereby authorized
 23 to make to other state or federal agencies and receive from
 24 such other state or federal agencies, reimbursements from
 25 or to the fund, in accordance with arrangements pursuant
 26 to this section. The department shall participate in any
 27 arrangements for the payment of compensation on the basis of
 28 combining an individual's wages and employment covered under
 29 this Act with the individual's wages and employment covered
 30 under the unemployment compensation laws of other states
 31 which are approved by the United States secretary of labor in
 32 consultation with the state unemployment compensation agencies
 33 as reasonably calculated to assure the prompt and full payment
 34 of compensation in such situations and which include provisions
 35 for: ~~Applying~~ applying the base period of a single state law

1 to a claim involving the combining of an individual's wages
2 and employment covered under two or more state unemployment
3 compensation laws, and avoiding the duplication use of wages
4 and employment by reason of such combining.

5 Sec. 15. Section 97B.1A, subsection 20, paragraph d, Code
6 Supplement 2009, is amended to read as follows:

7 d. Temporary or seasonal interruptions in service for
8 employees of a school corporation or educational institution
9 when the temporary suspension of service does not terminate the
10 period of employment of the employee and the employee returns
11 to service at a school corporation or educational institution
12 upon the end of the temporary or seasonal interruption.

13 However,

14 ~~However,~~ effective July 1, 2004, "service" does not mean
15 service for which an employee receives remuneration from an
16 employer for temporary employment during any quarter in which
17 the employee is on an otherwise unpaid leave of absence that
18 is not authorized under the federal Family and Medical Leave
19 Act of 1993 or other similar leave. Remuneration paid by the
20 employer for the temporary employment shall not be treated by
21 the system as covered wages.

22 Sec. 16. Section 97B.42, Code 2009, is amended to read as
23 follows:

24 **97B.42 Mandatory membership — membership in other systems.**

25 1. Each employee whose employment commences after July 4,
26 1953, or who has not qualified for credit for prior service
27 rendered prior to July 4, 1953, or any publicly elected
28 official of the state or any of its political subdivisions
29 shall become a member upon the first day in which such
30 employee is employed. The employee shall continue to be an
31 active member so long as the employee continues in covered
32 employment. The employee shall cease to be an active member
33 if the employee joins another retirement system in the state
34 which is maintained in whole or in part by public contributions
35 or payments and receives retirement credit for service in that

1 other system for the same position previously covered under
2 this chapter. If an employee joins another publicly maintained
3 retirement system and ceases to be an active member under
4 this chapter, the employee may elect to leave the employee's
5 accumulated contributions in the retirement fund or receive
6 a refund of the employee's accumulated contributions in
7 the manner provided for members who are terminating covered
8 employment pursuant to section 97B.53. However, if an employee
9 joins another publicly maintained retirement system and leaves
10 the employee's accumulated contributions in the retirement
11 fund, the employee shall not be eligible to receive retirement
12 benefits until the employee has a bona fide retirement from
13 employment with a covered employer as provided in section
14 97B.52A, or until the employee would otherwise be eligible to
15 receive benefits upon attaining the age of seventy years as
16 provided in section 97B.46.

17 2. Employment shall not be covered under this chapter until
18 the employment is covered under the federal Social Security Act
19 and any agreements which are required pursuant to chapter 97C
20 are effective.

21 3. Nothing in this chapter shall be deemed to exclude from
22 coverage, under the provisions of this chapter, any public
23 employee who was not on or as of July 4, 1953, a member of
24 another retirement system supported by public funds. All
25 such employees and their employers shall be required to make
26 contributions as specified as to other public employees and
27 employers. Nothing in this chapter shall be deemed to prohibit
28 the reestablishment of a retirement system supported by public
29 funds which had been in operation prior to July 4, 1953, and
30 was subsequently liquidated.

31 4. Persons who are members of any other retirement system
32 in the state which is maintained in whole or in part by
33 public contributions other than persons who are covered under
34 the provisions of chapter 97, Code 1950, as amended by the
35 Fifty-fourth General Assembly on the date of the repeal of

1 said chapter, under the provisions of sections 97.50 through
2 97.53 shall not become members under this chapter while still
3 actively participating in that other retirement system unless
4 the persons do not receive retirement credit for service in
5 that other system for the position to be covered under this
6 chapter.

7 5. Nothing herein contained shall be construed to permit
8 any employer to make any public contributions or payments on
9 behalf of an employee in the same position for the same period
10 of time to both the Iowa public employees' retirement system
11 and any other retirement system in the state which is supported
12 in whole or in part by public contributions or payments.

13 6. Notwithstanding any other provision of this section, a
14 person newly entering employment with a community college on
15 or after July 1, 1990, may elect coverage under an eligible
16 alternative retirement benefits system described in section
17 260C.14, subsection 17, paragraph "a", subparagraph (1), in
18 lieu of coverage under the Iowa public employees' retirement
19 system, but only if the person is already a member of the
20 alternative retirement benefits system. An election to
21 participate in an eligible alternative retirement benefits
22 system as described in section 260C.14, subsection 17, is
23 irrevocable as to the person's employment with that community
24 college and any other community college in this state.

25 7. Notwithstanding any other provision of this section,
26 commencing July 1, 1994, a member who is employed by a
27 community college may elect coverage under an eligible
28 alternative retirement benefits system as provided in section
29 260C.14, subsection 17, in lieu of continuing or commencing
30 contributions to the Iowa public employees' retirement system.
31 However, the employer's annual contribution in dollars to the
32 eligible alternative retirement benefits system shall not
33 exceed the annual contribution in dollars which the employer
34 would contribute if the employee had elected to remain an
35 active member under this chapter, as set forth in section

1 97B.11. A member employed by a community college who elects
2 coverage under an eligible alternative retirement benefits
3 system may withdraw the member's accumulated contributions
4 effective when coverage under the eligible alternative
5 retirement benefits system commences. A member who is employed
6 by a community college prior to July 1, 1994, must file an
7 election for coverage under the eligible alternative retirement
8 benefits system described in section 260C.14, subsection 17,
9 paragraph "a", subparagraph (1), with the system and the
10 employing community college within eighteen months of the first
11 day on which coverage commences under the community college's
12 eligible alternative retirement benefits system described in
13 section 260C.14, subsection 17, paragraph "a", subparagraph
14 (1), or the employee shall remain a member under this chapter
15 and shall not be eligible to elect to participate in that
16 community college's eligible alternative retirement benefits
17 system described in section 260C.14, subsection 17, paragraph
18 "a", subparagraph (1) at a later date. Employees of a community
19 college hired on or after July 1, 1994, must file an election
20 for coverage under an eligible alternative retirement benefits
21 system with the system and the employing community college
22 within sixty days of commencing employment, or the employee
23 shall remain a member under this chapter and shall not be
24 eligible to elect to participate in an eligible alternative
25 retirement benefits system of the community college at a later
26 date. The system shall cooperate with the boards of directors
27 of the community colleges to facilitate the implementation of
28 this provision.

29 ~~Notwithstanding any other provision of this section, a~~
30 ~~person newly entering employment with a community college on~~
31 ~~or after July 1, 1990, may elect coverage under an eligible~~
32 ~~alternative retirement benefits system, as defined in section~~
33 ~~260C.14, subsection 17, paragraph "a", in lieu of coverage~~
34 ~~under the Iowa public employees' retirement system, but only if~~
35 ~~the person is already a member of the alternative retirement~~

~~1 benefits system. An election to participate in an eligible
2 alternative retirement benefits system as described in section
3 260C.14, subsection 17, is irrevocable as to the person's
4 employment with that community college and any other community
5 college in this state.~~

6 8. Except as otherwise provided in this section, an employer
7 shall not sponsor and a member shall not participate in another
8 retirement system in this state supported in whole or in part
9 by public contributions or payments where such retirement
10 system is in lieu of the retirement system established by
11 this chapter. However, in addition to the retirement system
12 established by this chapter, an employer may sponsor and a
13 member may participate in a supplemental defined contribution
14 plan qualified under Internal Revenue Code section § 401(a),
15 a tax-deferred annuity qualified under Internal Revenue
16 Code section § 403(b), or an eligible deferred compensation
17 plan qualified under Internal Revenue Code section § 457,
18 regardless of whether contributions to such supplemental
19 plans are characterized as employer contributions or employee
20 contributions, and subject to the applicable limits set forth
21 in the Internal Revenue Code for such plans. A defined benefit
22 plan that supplements the retirement system established by this
23 chapter shall not be offered by public employers covered under
24 this chapter.

25 Sec. 17. Section 100B.13, subsection 2, Code 2009, is
26 amended to read as follows:

27 2. Revenue for the volunteer fire fighter preparedness fund
28 shall include, but is not limited to, the following:

29 a. Moneys credited to the fund pursuant to section
30 ~~422.12F~~ 422.12L.

31 ~~b. Moneys credited to the fund pursuant to section 422.12G.~~

32 ~~c.~~ b. Moneys in the form of a devise, gift, bequest,
33 donation, or federal or other grant intended to be used for the
34 purposes of the fund.

35 Sec. 18. Section 100D.1, subsections 4 and 5, Code

1 Supplement 2009, are amended to read as follows:

2 4. "*Fire extinguishing system contractor*" means a
3 person or persons who are engaging in or representing
4 ~~oneself~~ themselves to the public as engaging in the activity or
5 business of layout, installation, repair, service, alteration,
6 addition, testing, maintenance, or maintenance inspection of
7 automatic fire extinguishing systems in this state, as defined
8 in section 100C.1, and who is certified pursuant to chapter
9 100C.

10 5. "*Fire protection system*" means a sprinkler system,
11 standpipe system, hose system, special hazard system, dry
12 ~~systems~~ system, foam ~~systems~~ system, or any water-based fire
13 protection system, either manual or automatically activated,
14 used for fire protection purposes that is composed of an
15 integrated system of underground and overhead piping connected
16 to a water source. For licensing purposes only "*fire protection*
17 *system*" does not include the water service piping to a structure
18 or building from a city water main.

19 Sec. 19. Section 103.1, subsection 1, Code Supplement 2009,
20 is amended to read as follows:

21 1. "*Apprentice electrician*" means any person who, as
22 such person's principal occupation, is engaged in learning
23 and assisting in the installation, alteration, and repair
24 of electrical wiring, apparatus, and equipment as an
25 employee of a person licensed under this chapter, and who is
26 licensed by the board and is progressing toward completion
27 of an apprenticeship training program registered by the
28 ~~bureau~~ office of apprenticeship ~~and training~~ of the United
29 States department of labor. For purposes of this chapter,
30 persons who are not engaged in the installation, alteration, or
31 repair of electrical wiring, apparatus, and equipment, either
32 inside or outside buildings, shall not be considered apprentice
33 electricians.

34 Sec. 20. Section 103.12, subsection 1, Code 2009, is amended
35 to read as follows:

1 1. An applicant for a class A journeyman electrician license
2 shall have successfully completed an apprenticeship training
3 program registered by the bureau office of apprenticeship and
4 ~~training~~ of the United States department of labor in accordance
5 with the standards established by that department or shall have
6 received training or experience for a period of time and under
7 conditions as established by the board by rule.

8 Sec. 21. Section 103.15, subsection 1, Code Supplement
9 2009, is amended to read as follows:

10 1. A person shall be licensed by the board and pay a
11 licensing fee to work as an apprentice electrician while
12 participating in an apprenticeship training program registered
13 by the bureau office of apprenticeship and ~~training~~ of the
14 United States department of labor in accordance with the
15 standards established by that department. An apprenticeship
16 shall be limited to six years from the date of licensure,
17 unless extended by the board upon a finding that a hardship
18 existed which prevented completion of the apprenticeship
19 program. Such licensure shall entitle the licensee to act as
20 an apprentice to an electrical contractor, a class A master
21 electrician, a class B master electrician, a class A journeyman
22 electrician, or a class B journeyman electrician as provided in
23 subsection 3.

24 Sec. 22. Section 103.15, subsection 2, paragraph a, Code
25 Supplement 2009, is amended to read as follows:

26 a. A person shall be licensed as an unclassified person by
27 the board to perform electrical work if the work is performed
28 under the personal supervision of a person actually licensed to
29 perform such work and the licensed and unclassified persons are
30 employed by the same employer. A person shall not be employed
31 continuously for more than one hundred days as an unclassified
32 person without having obtained a current license from the
33 board. For the purposes of determining whether a person has
34 been "*employed continuously*" for more than one hundred days
35 under this subsection, employment shall include any days not

1 worked due to illness, holidays, weekend days, and other
2 absences that do not constitute separation from or termination
3 of employment. Any period of employment as a nonlicensed
4 unclassified person shall not be credited to any applicable
5 experiential requirement of an apprenticeship training
6 program registered by the ~~bureau~~ office of apprenticeship and
7 ~~training~~ of the United States department of labor.

8 Sec. 23. Section 124.212A, subsection 1, paragraph a, Code
9 Supplement 2009, is amended to read as follows:

10 a. Provide for the sale of a pseudoephedrine product
11 ~~in from~~ a locked cabinet or behind the sales counter where the
12 public is unable to reach the product and where the public is
13 not permitted.

14 Sec. 24. Section 126.12, subsection 3, paragraph b, Code
15 2009, is amended to read as follows:

16 b. A drug which is licensed under the federal Public Health
17 Service Act of July 1, 1944, 42 U.S.C. § 201 et seq. or under
18 the Animal ~~Virus, Serum, Toxin, Antitoxin~~ Virus-Serum-Toxin Act
19 of March 4, 1913, 21 U.S.C. § 151 et seq.

20 Sec. 25. Section 126.23A, subsection 1, paragraph b,
21 subparagraph (1), Code Supplement 2009, is amended to read as
22 follows:

23 (1) Provide for the sale of a pseudoephedrine product
24 ~~in from~~ a locked cabinet or behind a sales counter where the
25 public is unable to reach the product and where the public is
26 not permitted.

27 Sec. 26. Section 135.107, subsection 3, paragraph b,
28 subparagraph (2), subparagraph division (h), Code Supplement
29 2009, is amended to read as follows:

30 (h) Upon availability of state funds,
31 ~~determine~~ determination of eligibility criteria and
32 qualifications for participating communities and applicants not
33 located in federally designated shortage areas.

34 Sec. 27. Section 135A.4, subsection 1, Code Supplement
35 2009, is amended to read as follows:

1 1. A governmental public health advisory council is
 2 established to advise the department and make policy
 3 recommendations to the director of the department concerning
 4 administration, implementation, and coordination of this
 5 chapter and to make recommendations to the department regarding
 6 the governmental public health system. The council shall meet
 7 at ~~a minimum of~~ least quarterly. The council shall consist
 8 of no fewer than fifteen members and no ~~greater~~ more than
 9 twenty-three members. The members shall be appointed
 10 by the director. The director may solicit and consider
 11 recommendations from professional organizations, associations,
 12 and academic institutions in making appointments to the
 13 council.

14 Sec. 28. Section 135A.5, subsection 1, Code Supplement
 15 2009, is amended to read as follows:

16 1. A governmental public health evaluation committee
 17 is established to develop, implement, and evaluate the
 18 governmental public health system and voluntary accreditation
 19 program. The committee shall meet at least quarterly. The
 20 committee shall consist of no fewer than eleven members and
 21 no ~~greater~~ more than thirteen members. The members shall be
 22 appointed by the director of the department. The director
 23 may solicit and consider recommendations from professional
 24 organizations, associations, and academic institutions in
 25 making appointments to the committee.

26 Sec. 29. Section 135A.9, subsection 1, Code Supplement
 27 2009, is amended to read as follows:

28 1. Incorporation of the Iowa public health standards
 29 recommended to the department pursuant to section
 30 ~~135A.5~~ 135A.4, subsection 6.

31 Sec. 30. Section 142A.3, subsection 4, paragraph a, Code
 32 Supplement 2009, is amended to read as follows:

33 a. Four members of the general assembly, with not more
 34 than one member from each chamber being from the same
 35 political party. The majority leader of the senate and

1 the minority leader of the senate shall each appoint one
2 of the senate members. The majority leader of the house
3 of representatives and the minority leader of the house of
4 representatives shall each appoint one of the house members.

5 Sec. 31. Section 155.12, Code 2009, is amended to read as
6 follows:

7 **155.12 Conflict with federal law — effect.**

8 If any provision of this chapter is in conflict with the
9 requirements of section 1908 of the United States Social
10 Security Act (~~42 United States Code, section 1396g~~) codified at
11 42 U.S.C. § 1396g, relative to a state program for licensing of
12 administrators of nursing homes, and except for such conflict
13 the state would be entitled to receive contributions from the
14 United States for payment of assistance under the program
15 established pursuant to ~~Title~~ Tit. XIX of the United States
16 Social Security Act (~~42 United States Code, sections, codified~~
17 at 42 U.S.C. § 1396 - 1396g, inclusive), such provision of this
18 chapter so in conflict with said statute of the United States
19 shall be considered as suspended and of no effect until sixty
20 days after the convening of the next regular session of the
21 general assembly after such conflict is discovered.

22 Sec. 32. Section 158.16, Code Supplement 2009, is amended
23 to read as follows:

24 **158.16 Penalty.**

25 A person convicted of violating any of the provisions of this
26 chapter shall be fined an amount not to exceed one thousand
27 dollars.

28 Sec. 33. Section 159.1, unnumbered paragraph 1, Code 2009,
29 is amended to read as follows:

30 For the purposes of subtitles 1 through 3 of this title,
31 excluding chapters 161A ~~through~~ and 161C, unless otherwise
32 provided:

33 Sec. 34. Section 159.1, subsection 5, Code 2009, is amended
34 to read as follows:

35 5. "Person" includes an individual, a corporation, company,

1 firm, society, or association; and the act, omission, or
2 conduct of any officer, agent, or other person acting in a
3 representative capacity shall be imputed to the organization
4 or person represented, and the person acting in such capacity
5 shall also be liable for violation of subtitles 1 through 3 of
6 this title, excluding chapters 161A ~~through~~ and 161C.

7 Sec. 35. Section 159.5, subsection 11, Code Supplement
8 2009, is amended to read as follows:

9 11. Establish, publish, and enforce rules not inconsistent
10 with law for the enforcement of the provisions of subtitles
11 1 through 3 of this title, excluding chapters 161A
12 ~~through~~ and 161C, and for the enforcement of the various laws,
13 the administration and supervision of which are imposed upon
14 the department.

15 Sec. 36. Section 159A.4, subsection 2, paragraph a,
16 unnumbered paragraph 1, Code Supplement 2009, is amended to
17 read as follows:

18 The following ~~department~~ agency representatives:

19 Sec. 37. Section 166D.2, subsection 31, Code 2009, is
20 amended to read as follows:

21 31. "*Licensed pseudorabies vaccine*" means a pseudorabies
22 virus vaccine produced under license from the United States
23 secretary of agriculture under the federal ~~Virus, Serum and~~
24 ~~Toxin~~ Virus-Serum-Toxin Act of March 4, 1913, 21 U.S.C. § 151
25 et seq.

26 Sec. 38. Section 172A.5, Code 2009, is amended to read as
27 follows:

28 **172A.5 Bonded packers registration.**

29 A dealer or broker who has a bond required by the United
30 States department of agriculture under the Packers and
31 Stockyards Act of 1921 as amended, ~~Title VII, sections 181~~
32 ~~through 231, United States Code~~ 7 U.S.C. § 181 - 231, shall be
33 exempt from the provisions of this chapter upon registration
34 with the secretary. Registration shall be effective upon
35 filing with the secretary a certified copy of the bond filed

1 with the United States department of agriculture, and shall
2 continue in effect until that bond is terminated.

3 Sec. 39. Section 172D.3, subsection 2, paragraph a, Code
4 2009, is amended to read as follows:

5 a. Exclusion for federally mandated requirements. This
6 section shall apply to the department's rules except for rules
7 required for delegation of the national pollutant discharge
8 elimination system permit program pursuant to the federal
9 Water Pollution Control Act, ~~Title 33, United States Code, 33~~
10 U.S.C. ch. 126 26, as amended, and 40 C.F.R. pt. 124.

11 Sec. 40. Section 196.9, Code 2009, is amended to read as
12 follows:

13 **196.9 Eggs unfit for human food.**

14 Eggs determined to be unfit for human food under ~~title 21,~~
15 ~~section 21 U.S.C. § 1034 of the United States Code~~ as amended
16 to July 1, 1985, shall not be bought or sold or offered for
17 purchase or sale by any person unless the eggs are denatured so
18 that they cannot be used for human food.

19 Sec. 41. Section 215.17, Code 2009, is amended to read as
20 follows:

21 **215.17 Test weights to be used.**

22 1. A person engaged in scale repair work for hire shall
23 use only test weights sealed by the department in determining
24 the effectiveness of repair work and the test weights shall be
25 sealed as to their accuracy once each year. However, a person
26 shall not claim to be an official scale inspector and shall
27 not use the test weights except to determine the accuracy of
28 scale repair work done by the person and the person shall not
29 be entitled to a fee for their use. A fee shall be charged
30 and collected at time of inspection for the inspection of such
31 weights as follows:

32 All weights up to and including 25

33 pounds..... \$ 1.10 each

34 Over twenty-five pounds capacity,

35 up to and including 50 pounds..... 2.25 each

1	Over 50 pounds capacity, up to and	
2	including 100 pounds.....	3.00 each
3	Over 100 pounds capacity, up to	
4	and including 500 pounds.....	4.50 each
5	Over 500 pounds capacity, up to	
6	and including 1,000 pounds.....	7.50 each
7	<u>2.</u> The fee for all tank calibrations shall be as follows:	
8	100 gallons up to and including	
9	300 gallons.....	\$ 4.50
10	301 gallons up to and including	
11	500 gallons.....	7.50
12	501 gallons up to and including	
13	1,000 gallons.....	11.25
14	1,001 gallons up to and including	
15	2,000 gallons.....	15.00
16	2,001 gallons up to and including	
17	3,000 gallons.....	18.00
18	3,001 gallons up to and including	
19	4,000 gallons.....	21.00
20	4,001 gallons up to and including	
21	5,000 gallons.....	24.00
22	5,001 gallons up to and including	
23	6,000 gallons.....	27.00
24	6,001 gallons up to and including	
25	7,000 gallons.....	30.00
26	7,001 gallons and up.....	37.50

27 3. Calibration shall not be required of a tank which is not
 28 used for the purpose of measuring, or which is equipped with
 29 a meter, and vehicle tanks loaded from meters and carrying a
 30 printed ticket showing gallonage shall not be required to be
 31 calibrated.

32 Sec. 42. Section 256A.4, subsection 1, Code 2009, is amended
 33 to read as follows:

34 1. a. The board of directors of each school district may
 35 develop and offer a family support program which provides

1 outreach and incentives for the voluntary participation of
 2 expectant parents and parents of children in the period of
 3 life from birth through age five, who reside within district
 4 boundaries, in educational family support experiences designed
 5 to assist parents in learning about the physical, mental, and
 6 emotional development of their children. A board may contract
 7 with another school district or public or private nonprofit
 8 agency for provision of the approved program or program site.

9 b. A family support program shall meet multicultural gender
 10 fair guidelines. The program shall encourage parents to be
 11 aware of practices that may affect equitable development of
 12 children. The program shall include parents in the planning,
 13 implementation, and evaluation of the program. A program
 14 shall be designed to meet the needs of the residents of the
 15 participating district and may use unique approaches to provide
 16 for those needs. The goals of a family support program shall
 17 include, but are not limited to, the following:

18 ~~a.~~ (1) Family involvement as a key component of school
 19 improvement with an emphasis on communication and active family
 20 participation in family support programming.

21 ~~b.~~ (2) Family participation in the planning and
 22 decision-making process for the program and encouragement of
 23 long-term parental involvement in their children's education.

24 ~~c.~~ (3) Meeting the educational and developmental needs of
 25 expectant parents and parents of young children.

26 ~~d.~~ (4) Developmentally appropriate activities for children
 27 that include those skills necessary for adaptation to both the
 28 home and school environments.

29 Sec. 43. Section 257.9, subsection 8, Code Supplement 2009,
 30 is amended to read as follows:

31 8. *Early intervention supplement state cost per pupil.* For
 32 the budget year beginning July 1, 2009, for the early
 33 intervention supplement state cost per pupil, the department of
 34 management shall add together the early intervention allocation
 35 made to each district for the fiscal year beginning July

1 1, 2008, pursuant to section 256D.4, Code 2009, and divide
 2 that sum by the statewide total budget enrollment for the
 3 fiscal year beginning July 1, 2009. The early intervention
 4 supplement state cost per pupil for the budget year beginning
 5 July 1, 2010, and succeeding budget years, shall be the
 6 amount calculated by the department of management under this
 7 subsection for the base year plus an allowable growth amount
 8 that is equal to the early intervention supplement categorical
 9 state percent of growth, pursuant to section 257.8, subsection
 10 2, for the budget year, multiplied by the amount calculated by
 11 the department of management under this subsection for the base
 12 year.

13 Sec. 44. Section 257.10, subsection 11, paragraph a, Code
 14 Supplement 2009, is amended to read as follows:

15 a. For the budget year beginning July 1, 2009, the
 16 department of management shall divide the early intervention
 17 allocation made to each district for the fiscal year beginning
 18 July 1, 2008, pursuant to section 256D.4, Code 2009, by the
 19 district's budget enrollment in the fiscal year beginning July
 20 1, 2009, to determine the early intervention supplement cost
 21 per pupil. For the budget year beginning July 1, 2010, and
 22 succeeding budget years, the early intervention supplement
 23 district cost per pupil for each school district for a budget
 24 year is the early intervention supplement district cost per
 25 pupil for the base year plus the early development supplement
 26 state allowable growth amount for the budget year.

27 Sec. 45. Section 257.15, subsection 1, paragraph a, Code
 28 2009, is amended to read as follows:

29 a. For the budget year beginning July 1, 1991, the
 30 department of management shall calculate for each district the
 31 difference between the sum of the revenues generated by the
 32 foundation property tax and the additional property tax in the
 33 district calculated under this chapter and the revenues that
 34 would have been generated by the foundation property tax and
 35 the additional property tax in that district for that budget

1 year calculated under chapter 442, Code 1989, if chapter 442,
 2 Code 1989, were in effect, except that the revenues that
 3 would have been generated by the additional property tax levy
 4 under chapter 442, Code 1989, shall not include revenues
 5 generated for the school improvement program. However in
 6 making the calculation of the difference in revenues under
 7 this subsection, the department shall not include the revenues
 8 generated under section 257.37 and under chapter 442, Code
 9 1989, for funding media and educational services through the
 10 area education agencies. If the property tax revenues for a
 11 district calculated under this chapter exceed the property tax
 12 revenues for that district calculated under chapter 442, Code
 13 1989, the department of management shall reduce the revenues
 14 raised by the additional property tax levy in that district
 15 under this chapter by that difference and the department of
 16 education shall pay property tax adjustment aid to the district
 17 equal to that difference from moneys appropriated for property
 18 tax adjustment aid.

19 Sec. 46. Section 262A.2, subsection 5, Code Supplement
 20 2009, is amended to read as follows:

21 5. "*Institutional income*" shall mean income received by an
 22 institution from sources other than ~~(a) student~~ the following:

23 a. Student fees and charges, ~~(b) rates~~.

24 b. Rates, fees, rentals or charges imposed and collected
 25 under the provisions of ~~(1)~~ sections 262.35 through 262.42,
 26 ~~(2)~~ sections 262.44 through 262.53, and ~~(3)~~ sections 262.55
 27 through 262.66, ~~(c) state~~.

28 c. State appropriations, and ~~(d) "hospital"~~.

29 d. "Hospital income", as that term is defined in ~~subsection~~
 30 ~~4 of~~ section 263A.1.

31 Sec. 47. Section 279.14, subsection 2, Code 2009, is amended
 32 to read as follows:

33 2. The determination of standards of performance expected
 34 of school district personnel shall be reserved as an exclusive
 35 management right of the school board and shall not be subject

1 to mandatory negotiations under chapter 20. Notwithstanding
 2 chapter 20, objections to the procedures, use, or content of
 3 an evaluation in a teacher termination proceeding brought
 4 before the school board in a hearing held in accordance with
 5 section 279.16 or 279.27 shall not be subject to the grievance
 6 procedures negotiated in accordance with chapter 20. A school
 7 district shall not be obligated to process any evaluation
 8 grievance after service of a notice and recommendation to
 9 terminate an individual's continuing teaching contract in
 10 accordance with this chapter 279.

11 Sec. 48. Section 282.1, subsection 1, Code Supplement 2009,
 12 is amended to read as follows:

13 1. Persons between five and twenty-one years of age are of
 14 school age. Nonresident children shall be charged the maximum
 15 tuition rate as determined in section 282.24, subsection
 16 1, with the exception that those residing temporarily in
 17 a school corporation may attend school in the corporation
 18 upon terms prescribed by the board, ~~and boards.~~ A school
 19 district discontinuing grades under section 282.7, subsection 1
 20 or subsections 1 and 3, shall be charged tuition as provided in
 21 section 282.24, subsection 2 1.

22 Sec. 49. Section 298.18, subsection 1, paragraph d, Code
 23 Supplement 2009, is amended to read as follows:

24 d. The amount estimated and certified to apply on principal
 25 and interest for any one year may exceed two dollars and
 26 seventy cents per thousand dollars of assessed value by the
 27 amount approved by the voters of the school corporation,
 28 but not exceeding four dollars and five cents per thousand
 29 dollars of the assessed value of the taxable property within
 30 any school corporation, provided that the registered voters
 31 of such school corporation have first approved such increased
 32 amount at an election held on a date specified in section 39.2,
 33 subsection 4, paragraph "c".

34 Sec. 50. Section 299.1, unnumbered paragraph 2, Code 2009,
 35 is amended to read as follows:

1 The board of directors of a public school district or the
2 governing body of an accredited nonpublic school may, by
3 resolution, require attendance for the entire time when the
4 schools are in session in any school year and adopt a policy
5 or rules relating to the reasons considered to be valid or
6 acceptable excuses for absence from school.

7 Sec. 51. Section 306C.20, Code 2009, is amended to read as
8 follows:

9 **306C.20 Bonus funds agreements.**

10 The department shall enter into agreements with the duly
11 constituted federal authorities in order to secure for the
12 state all bonus federal funds allotted and appropriations to
13 the state and to avoid loss or reduction, under ~~Title 23,~~
14 ~~section 131, of the United States Code~~ 23 U.S.C. § 131, of
15 federal aid funds apportioned or to be apportioned to the
16 state under ~~Title 23, section 104 of the United States Code~~ 23
17 U.S.C. § 104. The department may accept funds from whatever
18 source, including any allotment of funds by the United States,
19 or any of its departments or agencies, appropriated to carry
20 out the purposes of ~~Title 23, section 131 of the United States~~
21 ~~Code~~ 23 U.S.C. § 131. The department shall take such steps as
22 may be necessary to obtain from the United States or any of its
23 departments or agencies, funds allotted and appropriated for
24 the purpose of paying the federal share of just compensation
25 to be paid to advertising device owners and owners of the
26 real property under the terms of this chapter and ~~Title 23,~~
27 ~~section 131, paragraph "g" of the United States Code~~ 23 U.S.C.
28 § 131(g). All moneys received pursuant to the provisions of
29 this chapter shall be deposited in the "highway beautification
30 fund".

31 Sec. 52. Section 321.166, subsection 4, Code Supplement
32 2009, is amended to read as follows:

33 4. The registration plate number, except on motorized
34 ~~bicycle~~ bicycles, ~~motereyele~~ motorcycles, motorcycle
35 ~~trailer~~ trailers, and trailers with an empty weight of two

1 thousand pounds or less shall be of sufficient size to be
2 readable from a distance of one hundred feet during daylight.

3 Sec. 53. Section 331.321, subsection 1, paragraph a, Code
4 Supplement 2009, is amended to read as follows:

5 a. A veterans memorial commission in accordance with
6 sections 37.9 ~~to~~, 37.10, and 37.15, when a proposition to
7 erect a memorial building or monument has been approved by the
8 voters.

9 Sec. 54. Section 331.508, subsection 10, Code 2009, is
10 amended to read as follows:

11 10. Real estate transfer book, index book, and plat
12 book as provided in sections 558.60 ~~to~~, 558.63, and 558.65
13 through 558.67.

14 Sec. 55. Section 420.220, Code 2009, is amended to read as
15 follows:

16 **420.220 City tax sale after public bidder sale.**

17 1. Property located in a city acting under special charter
18 which collects its own taxes, shall not, after sale of such
19 property to the county for taxes, be offered or sold at any
20 sale for taxes or special assessments collectible by any such
21 city except in the following events:

22 ~~1-~~ a. In the event of redemption from sale to the county
23 or transfer by the county of the certificate of purchase then
24 sale may be made by the city as freely as if this section
25 and sections 420.220 to 420.221 through 420.229 had never
26 become law.

27 ~~2-~~ b. In the event that any special assessment or
28 installment thereof levied by any such city, prior to April 22,
29 1941, shall be or become delinquent, then the property against
30 which the same was levied may be sold therefor only at the
31 first regular tax sale of such city occurring within such a
32 period of time after delinquency that sale for such assessment
33 or installment might lawfully be made at such first regular tax
34 sale.

35 ~~3-~~ c. In the event of sale or conveyance of the property

1 by the county after issuance of tax deed to it then sale may
2 be made for general city taxes levied after such sale or
3 conveyance by the county.

4 ~~4.~~ d. In the event of levy of any special assessment
5 against the property after purchase thereof at tax sale by the
6 county, then sale may be made for any such special assessment
7 or installment thereof, then delinquent.

8 2. The county auditor shall, promptly after the purchase
9 of any real estate by the county at tax sale, certify to the
10 city treasurer of any such city, a statement showing the tracts
11 or parcels so purchased and the dates of purchase thereof
12 respectively. In the event either of redemption from any
13 such sale or transfer of the certificate of purchase, the
14 county auditor shall promptly certify to the city treasurer
15 a statement showing such redemption or transfer. The city
16 treasurer shall make appropriate entries in the treasurer's tax
17 books of the facts so certified by the county auditor as well
18 as of the matters certified by such treasurer to said auditor
19 under the provisions of section 420.222.

20 Sec. 56. Section 422.34, subsection 1, Code 2009, is amended
21 to read as follows:

22 1. All state, national, private, ~~co-operative~~ cooperative,
23 and savings banks, credit unions, title insurance and trust
24 companies, savings and loan associations, production credit
25 associations, insurance companies or insurance associations,
26 reciprocal or inter-insurance exchanges, and fraternal
27 beneficiary associations.

28 Sec. 57. Section 424.16, subsection 2, Code Supplement
29 2009, is amended to read as follows:

30 2. A notice authorized or required under this section may
31 be given by mailing the notice to the person for whom it is
32 intended, addressed to that person at the address given in the
33 last return filed by the person pursuant to this chapter, or if
34 no return has been filed, then to any address obtainable. The
35 mailing of the notice is presumptive evidence of the receipt

1 of the notice by the person to whom addressed. Any period
 2 of time which is determined according to this chapter by the
 3 giving of notice commences to run from the date of mailing of
 4 the notice. Neither mailed notice ~~or~~ nor notice by publication
 5 is required for the initial determination and imposition of the
 6 charge. The board shall undertake to provide reasonable notice
 7 of the environmental protection charge and procedures, as in
 8 the board's sole discretion it deems appropriate, provided that
 9 the actual charge and procedures are published in the Iowa
 10 administrative bulletin prior to the effective date of the
 11 charge.

12 Sec. 58. Section 433.7, Code Supplement 2009, is amended to
 13 read as follows:

14 **433.7 Hearing.**

15 At the time of determination of value ~~of~~ by the director of
 16 revenue, any company interested shall have the right to appear,
 17 by its officers or agents, before the director of revenue and
 18 be heard on the question of the valuation of its property for
 19 taxation.

20 Sec. 59. Section 455B.602, subsection 8, paragraph a, Code
 21 2009, is amended to read as follows:

22 *a. "Responsible person"* means a person who is legally
 23 liable for the contamination or who is legally responsible
 24 for abating contamination under any applicable law, including
 25 ~~chapters 455B and~~ this chapter, chapter 455E, and the common
 26 law. This may include a person causing, allowing, or otherwise
 27 participating in the activities or events which cause the
 28 contamination, persons who have failed to conduct their
 29 activities so as to prevent the release of contaminants into
 30 groundwater, persons who are obligated to abate a condition, or
 31 persons responsible for or a successor to such persons.

32 Sec. 60. Section 455G.3, subsection 3, paragraph b, Code
 33 2009, is amended to read as follows:

34 *b.* To establish a loan guarantee account, as provided by and
 35 to the extent permitted by section 455G.10, Code 1999.

1 Sec. 61. Section 455G.21, subsection 3, Code 2009, is
2 amended to read as follows:

3 3. Moneys in the fund shall not be used for purposes of
4 bonding or providing security for bonding under this chapter
5 455G.

6 Sec. 62. Section 466B.3, subsection 4, paragraphs e and k,
7 Code Supplement 2009, are amended to read as follows:

8 e. The ~~director~~ administrator of the homeland security
9 and emergency management division of the department of public
10 defense or the ~~director's~~ administrator's designee.

11 k. The executive director of the Iowa finance authority or
12 the executive director's designee.

13 Sec. 63. Section 483A.24, subsection 2, paragraph f, Code
14 2009, is amended to read as follows:

15 f. (1) A deer hunting license or wild turkey hunting
16 license issued pursuant to this subsection shall be attested by
17 the signature of the person to whom the license is issued and
18 shall contain a statement in substantially the following form:

19 By signing this license I certify that I qualify as an owner
20 or tenant under Iowa Code section 483A.24.

21 (2) A person who makes a false attestation ~~as described~~
22 ~~in~~ under this paragraph "f" is guilty of a simple misdemeanor.
23 In addition, the person's hunting license shall be revoked and
24 the person shall not be issued a hunting license for a period
25 of one year.

26 Sec. 64. Section 483A.24, subsection 14, Code 2009, is
27 amended to read as follows:

28 14. Upon payment of the fee of five dollars for a lifetime
29 fishing license or lifetime hunting and fishing combined
30 license, the department shall issue a lifetime fishing license
31 or lifetime hunting and fishing combined license to a resident
32 of Iowa who has served in the armed forces of the United
33 States on active federal service and who was disabled or was a
34 prisoner of war during that veteran's military service. The
35 department shall prepare an application to be used by a person

1 requesting a lifetime fishing license or lifetime hunting and
2 fishing combined license under this subsection. The department
3 of veterans affairs shall assist the department in verifying
4 the status or claims of applicants under this subsection. As
5 used in this subsection, "*disabled*" means entitled to a service
6 connected rating under the ~~United States Code, Title 38,~~ 38
7 U.S.C. ch. 11.

8 Sec. 65. Section 489.1013, subsection 3, paragraph c, Code
9 2009, is amended to read as follows:

10 c. A statement that the domestication was approved as
11 required by this chapter.

12 Sec. 66. Section 491.36, Code 2009, is amended to read as
13 follows:

14 **491.36 Foreign-trade zone corporation.**

15 A corporation may be organized under the laws of this state
16 for the purpose of establishing, operating, and maintaining
17 a foreign-trade zone as defined in 19 ~~United States Code,~~
18 ~~§ 81(a)~~ U.S.C. § 81a. A corporation organized for the
19 purposes set forth in this section has all powers necessary
20 or convenient for applying for a grant of authority to
21 establish, operate, and maintain a foreign-trade zone under the
22 provisions of 19 ~~United States Code § 81(a)~~ U.S.C. § 81a, et
23 seq., and rules promulgated thereunder, and for establishing,
24 operating, and maintaining a foreign-trade zone pursuant to
25 that grant of authority.

26 Sec. 67. Section 518.14, subsection 4, paragraph g, Code
27 Supplement 2009, is amended to read as follows:

28 g. *Home office real estate.* With the prior approval of
29 the commissioner, funds may be invested in a home office real
30 estate for the association or a subsidiary, at the direction of
31 the board of directors. The association or subsidiary shall
32 obtain the approval of the commissioner prior to the sale or
33 disposition of home office real estate owned by the association
34 or subsidiary. Effective as to home office real estate
35 acquired on or after July 1, 2009, an association shall not

1 invest more than twenty percent of its total admitted assets in
2 such real estate. With the prior approval of the commissioner,
3 an association may exceed the real estate investment limitation
4 to effectuate a merger with, or the acquisition of, another
5 association.

6 Sec. 68. Section 518A.12, subsection 4, paragraph g, Code
7 Supplement 2009, is amended to read as follows:

8 *g. Home office real estate.* With the prior approval of
9 the commissioner, funds may be invested in a home office real
10 estate for the association or a subsidiary, at the direction of
11 the board of directors. The association or subsidiary shall
12 obtain the approval of the commissioner prior to the sale or
13 disposition of home office real estate owned by the association
14 or subsidiary. Effective as to home office real estate
15 acquired on or after July 1, 2009, an association shall not
16 invest more than twenty percent of its total admitted assets in
17 such real estate. With the prior approval of the commissioner,
18 an association may exceed the real estate investment limitation
19 to effectuate a merger with, or the acquisition of, another
20 association.

21 Sec. 69. Section 533A.8, subsection 5, unnumbered paragraph
22 1, Code Supplement 2009, is amended to read as follows:

23 If the debt management program is based on a model which
24 requires the licensee or any licensee to receive money or
25 evidences thereof from the debtor to distribute to the debtor's
26 creditors, the licensee who receives the money or evidences
27 thereof from the debtor for distribution to the debtor's
28 creditors shall do all of the following:

29 Sec. 70. Section 537.5105, subsection 2, unnumbered
30 paragraph 1, Code 2009, is amended to read as follows:

31 In addition to the provisions of section 642.21, the
32 maximum part of the aggregate disposable earnings of an
33 individual for any workweek which is subjected to garnishment
34 to enforce payment of a judgment arising from a consumer credit
35 transaction may not exceed the lesser of twenty-five percent

1 of the individual's disposable earnings for that week, or
 2 the amount by which the individual's disposable earnings for
 3 that week exceed forty times the federal minimum hourly wage
 4 prescribed by the Fair Labor Standards Act of 1938, ~~United~~
 5 ~~States Code, title 29, section 206, subsection "a," paragraph~~
 6 ~~(1)~~ 29 U.S.C. 206(a)(1), in effect at the time the earnings are
 7 payable.

8 Sec. 71. Section 543C.2, subsection 9, Code 2009, is amended
 9 to read as follows:

10 9. If the subdivided land sought to be filed comes
 11 within the purview of the ~~interstate land sales full~~
 12 ~~disclosure~~ federal Interstate Land Sales Full Disclosure Act
 13 ~~(Title 15, United States Code section, codified at 15 U.S.C.~~
 14 § 1701 et seq.) seq., the subdivider must furnish a copy of the
 15 accepted report filed with the department of housing and urban
 16 development. If the subdivision comes under the regulation of
 17 the real estate laws of the state where the land is located
 18 and that state requires a state offering statement or public
 19 report, the subdivider must also include a copy of said state
 20 report.

21 Sec. 72. Section 554.2310, subsection 3, Code Supplement
 22 2009, is amended to read as follows:

23 3. if delivery is authorized and made by way of documents
 24 of title otherwise than by subsection 2 then payment is due
 25 regardless of where the goods are to be received ~~(i)~~ at the
 26 time and place at which the buyer is to receive delivery of the
 27 tangible documents or ~~(ii)~~ at the time the buyer is to receive
 28 delivery of the electronic documents and at the seller's place
 29 of business or if none, the seller's residence; and

30 Sec. 73. Section 554.12403, subsection 2, Code 2009, is
 31 amended to read as follows:

32 2. a. ~~(i)~~ If the sender and receiving bank are members of
 33 a funds-transfer system that nets obligations multilaterally
 34 among participants, the receiving bank receives final
 35 settlement when settlement is complete in accordance with the

1 rules of the system.

2 b. ~~(ii)~~ The obligation of the sender to pay the amount of
3 a payment order transmitted through the funds-transfer system
4 may be satisfied, to the extent permitted by the rules of
5 the system, by setting off and applying against the sender's
6 obligation the right of the sender to receive payment from
7 the receiving bank of the amount of any other payment order
8 transmitted to the sender by the receiving bank through the
9 funds-transfer system.

10 c. ~~(iii)~~ The aggregate balance of obligations owed by each
11 sender to each receiving bank in the funds-transfer system
12 may be satisfied, to the extent permitted by the rules of the
13 system, by setting off and applying against that balance the
14 aggregate balance of obligations owed to the sender by other
15 members of the system. The aggregate balance is determined
16 after the right of setoff stated in ~~clause (ii) of this~~
17 ~~subsection~~ paragraph "b" has been exercised.

18 Sec. 74. Section 554B.2, Code 2009, is amended to read as
19 follows:

20 **554B.2 Security interest.**

21 A security interest in rolling stock of a transmitting
22 utility may be perfected either as provided in the Uniform
23 Commercial Code, chapter 554, or as provided in the ~~Interstate~~
24 ~~Commerce~~ ICC Termination Act of 1995, 49 U.S.C., ~~section 20~~
25 ~~"c."~~ § 701, 11301.

26 Sec. 75. Section 602.8106, subsection 1, paragraph d, Code
27 Supplement 2009, is amended to read as follows:

28 d. ~~The~~ For court costs in scheduled violation cases where a
29 court appearance is required, sixty dollars.

30 Sec. 76. Section 626D.3, subsection 2, Code 2009, is amended
31 to read as follows:

32 2. The person filing the tribal judgment shall make and file
33 with the clerk of court an affidavit setting forth the name and
34 last known address of the party seeking enforcement and the
35 responding party. Upon the filing of the tribal judgment and

1 accompanying affidavit, the enforcing party shall serve upon
 2 the responding party a notice of filing of the tribal judgment
 3 together with a copy of the tribal judgment in accordance with
 4 Iowa rule of civil procedure 1.442 ~~of the Iowa rules of civil~~
 5 ~~procedure.~~ The enforcing party shall file proof of service or
 6 mailing with the clerk of court. The notice of filing shall
 7 include the name and address of the enforcing party and the
 8 enforcing party's attorney, if any, and shall include the text
 9 contained in sections 626D.4 and 626D.5.

10 Sec. 77. Section 633.517, subsection 1, Code 2009, is
 11 amended to read as follows:

12 1. A written finding of presumed death, made by the
 13 secretary of defense, or other officer or employee of the
 14 United States authorized to make such finding, pursuant to
 15 the federal Missing Persons Act ~~{56, 56 Stat. 143, 1092, and~~
 16 ~~P.L. 408, Ch. 371, 2d Session 78th Congress, 50 U.S.C. App.~~
 17 ~~Supp. 1001-17}~~ codified at 10 U.S.C. 1501, et seq., as now or
 18 hereafter amended, or a duly certified copy of such a finding,
 19 shall be received in any court, office, or other place in this
 20 state, as evidence of the death of the person therein found
 21 to be dead, and of the date, circumstances, and place of the
 22 disappearance.

23 Sec. 78. Section 636.45, Code Supplement 2009, is amended
 24 to read as follows:

25 **636.45 Federally insured loans.**

26 1. Insurance companies, ~~building~~ savings and loan
 27 associations, trustees, guardians, executors, administrators,
 28 and other fiduciaries, the state and its political
 29 subdivisions, and institutions and agencies thereof, and all
 30 other persons, associations, and corporations ~~(1) may:~~

31 a. May make such loans and advances of credit and purchases
 32 of obligations representing loans and advances of credit as
 33 are eligible for insurance pursuant to Tit. I, ~~section § 2,~~ of
 34 the National Housing Act ~~{12 (1934), codified at 12 U.S.C. ch.~~
 35 ~~13} 13,~~ and may obtain such insurance, ~~(2) may;~~

1 b. May make such loans, secured by real property or
2 leasehold, as the federal housing administrator insures
3 or makes a commitment to insure pursuant to Tit. II of
4 the National Housing Act (1934), and may obtain such
5 insurance; ~~and (3) may~~

6 c. May make real property loans which are guaranteed or
7 insured by the secretary of the United States department of
8 veterans affairs under the provisions of ~~Tit. 38, sections 1801~~
9 ~~through 1824, inclusive, United States Code~~ 38 U.S.C. § 3701
10 et seq.

11 2. It shall be lawful for insurance companies, building
12 and loan associations, trustees, guardians, executors,
13 administrators, and other fiduciaries, the state and its
14 political subdivisions, and institutions and agencies thereof,
15 and all other persons, associations, and corporations, subject
16 to the laws of this state, to originate real estate loans which
17 are guaranteed or insured by the secretary of the United States
18 department of veterans affairs under the provisions of ~~Tit. 38,~~
19 ~~sections 1801 through 1824, inclusive, United States Code~~ 38
20 U.S.C. § 3701 et seq., and originate loans secured by real
21 property or leasehold, as the federal housing administrator
22 insures or makes a commitment to insure pursuant to Tit. II of
23 the National Housing Act (1934), and may obtain such insurance
24 and may invest their funds, and the moneys in their custody or
25 possession, eligible for investment, in bonds and notes secured
26 by mortgage or trust deed insured by the federal housing
27 administrator, and in the debentures issued by the federal
28 housing administrator pursuant to Tit. II of the National
29 Housing Act (1934), and in securities issued by national
30 mortgage associations or similar credit institutions now or
31 hereafter organized under Tit. III of the National Housing
32 Act (1934), and in real estate loans which are guaranteed or
33 insured by the secretary of the United States department of
34 veterans affairs under the provisions of ~~Tit. 38, sections 1801~~
35 ~~through 1824, inclusive, United States Code~~ 38 U.S.C. § 3701

1 et seq.

2 Sec. 79. Section 669.22, Code 2009, is amended to read as
3 follows:

4 **669.22 Actions in federal court.**

5 The state shall defend any employee, and shall indemnify and
6 hold harmless an employee of the state in any action commenced
7 in federal court under ~~section 1983, Title 42, United States~~
8 ~~Code,~~ 42 U.S.C. § 1983 against the employee for acts of the
9 employee while acting in the scope of employment. The duty to
10 indemnify and hold harmless shall not apply and the state shall
11 be entitled to restitution from an employee if the employee
12 fails to cooperate in the investigation or defense of the claim
13 or demand, or if, in an action commenced by the state against
14 the employee, it is determined that the conduct of the employee
15 upon which the claim or demand was based constituted a willful
16 and wanton act or omission or malfeasance in office.

17 Sec. 80. Section 670.8, unnumbered paragraph 2, Code 2009,
18 is amended to read as follows:

19 The duties to defend and to save harmless and indemnify shall
20 apply whether or not the municipality is a party to the action
21 and shall include but not be limited to cases arising under
22 ~~title 42 United States Code section~~ 42 U.S.C. § 1983.

23 Sec. 81. Section 714B.10, subsection 2, Code 2009, is
24 amended to read as follows:

25 2. Advertising in connection with the sale or purchase of
26 books, recordings, videocassettes, periodicals, and similar
27 goods through a membership group or club which is regulated
28 by the federal trade commission pursuant to ~~Code of Federal~~
29 ~~Regulations, Title 16, part 4525.1~~ 16 C.F.R. pt. 425.1,
30 concerning use of negative option plans by sellers in commerce.

31 Sec. 82. Section 723.4, subsection 6, paragraph b,
32 unnumbered paragraph 1, Code 2009, is amended to read as
33 follows:

34 As used in this ~~section~~ subsection:

35 Sec. 83. 2009 Iowa Acts, chapter 9, section 6, subsection 1,

1 is amended by striking the subsection.

2 Sec. 84. 2009 Iowa Acts, chapter 100, section 35, is amended
3 to read as follows:

4 SEC. 35. EFFECTIVE AND APPLICABILITY DATES. This division
5 of this Act, being deemed of immediate importance, takes effect
6 upon enactment and applies to disaster recovery housing project
7 costs incurred on or after the effective date of this division
8 of this Act and before July 1, 2010.

9 Sec. 85. 2009 Iowa Acts, chapter 175, section 25, is amended
10 to read as follows:

11 SEC. 25. EFFECTIVE DATE. The section of this Act amending
12 section 455B.172, subsection ~~1~~ 11, paragraph "a", as enacted
13 by 2008 Iowa Acts, chapter 1033, section 1, takes effect July
14 1, 2010.

15 Sec. 86. 2009 Iowa Acts, chapter 179, section 30, is amended
16 to read as follows:

17 SEC. 30. Section 12.90C, subsection 2, paragraph a, if
18 enacted by 2009 Iowa Acts, Senate File 477, is amended to read
19 as follows:

20 ~~3-~~ a. The net proceeds of bonds issued pursuant to section
21 12.90A other than bonds issued for the purpose of refunding
22 such bonds and investment earnings on the net proceeds.

23 Sec. 87. 2009 Iowa Acts, chapter 179, sections 201 and 202,
24 are amended to read as follows:

25 SEC. 201. IMPLEMENTATION. Section 25B.7 does not apply
26 to the property tax exemption enacted in this division of
27 this Act.

28 SEC. 202. APPLICABILITY DATE PROVISION. The sections of
29 this division of this Act providing sales and use tax refunds
30 apply to sales and use tax paid on or after July 1, 2009.

31 Sec. 88. REPEAL. 2009 Iowa Acts, chapter 133, sections 228
32 and 247, are repealed.

33 Sec. 89. REPEAL. 2009 Iowa Acts, chapter 170, section 3,
34 is repealed.

35

DIVISION II

VOLUME III RENUMBERING

1
2 Sec. 90. Section 260C.14, subsections 10 and 17, Code
3 Supplement 2009, are amended to read as follows:

4 10. Make necessary rules to provide for the policing,
5 control, and regulation of traffic and parking of vehicles and
6 bicycles on the property of the community college.

7 a. The rules may provide for the use of institutional roads,
8 driveways, and grounds; registration of vehicles and bicycles;
9 the designation of parking areas; the erection and maintenance
10 of signs designating prohibitions or restrictions; the
11 installation and maintenance of parking control devices except
12 parking meters; and assessment, enforcement, and collection of
13 reasonable penalties for the violation of the rules.

14 b. Rules made under this subsection may be enforced under
15 procedures adopted by the board of directors. Penalties may
16 be imposed upon students, faculty, and staff for violation
17 of the rules, including, but not limited to, a reasonable
18 monetary penalty which may be deducted from student deposits
19 and faculty or staff salaries or other funds in possession of
20 the community college or added to student tuition bills. The
21 rules made under this subsection may also be enforced by the
22 impoundment of vehicles and bicycles parked in violation of
23 the rules, and a reasonable fee may be charged for the cost of
24 impoundment and storage prior to the release of the vehicle or
25 bicycle to the owner. Each community college shall establish
26 procedures for the determination of controversies in connection
27 with the imposition of penalties. The procedures shall require
28 giving notice of the violation and the penalty prescribed and
29 providing the opportunity for an administrative hearing.

30 17. a. Provide for eligible alternative retirement benefits
31 systems which shall be limited to the following:

32 ~~a.~~ (1) An alternative retirement benefits system which is
33 issued by or through a nonprofit corporation issuing retirement
34 annuities exclusively to educational institutions and their
35 employees for persons newly employed after July 1, 1990, and

1 for persons employed by the community college who are members
 2 of the Iowa public employees' retirement system on July 1,
 3 1994, and who elect coverage under that system pursuant to
 4 section 97B.42, in lieu of coverage under the Iowa public
 5 employees' retirement system.

6 ~~b.~~ (2) An alternative retirement benefits system which
 7 is issued by or through an insurance company authorized to
 8 issue annuity contracts in this state, for persons newly
 9 employed on or after July 1, 1997, who are already members
 10 of the alternative retirement benefits system and who elect
 11 coverage under that system pursuant to section 97B.42, in lieu
 12 of coverage under the Iowa public employees' retirement system.

13 ~~c.~~ (3) An alternative retirement benefits system offered
 14 through the community college, at the discretion of the
 15 board of directors of the community college, pursuant to
 16 this ~~lettered paragraph~~ subparagraph which is issued by or
 17 through an insurance company authorized to issue annuity
 18 contracts in this state, for persons newly employed by that
 19 community college on or after July 1, 1998, who are not
 20 members of the alternative retirement benefits system and
 21 who elect coverage under that system pursuant to section
 22 97B.42, in lieu of coverage under the Iowa public employees'
 23 retirement system. The board of directors of a community
 24 college may limit the number of providers of alternative
 25 retirement benefits systems offered pursuant to this ~~lettered~~
 26 ~~paragraph~~ subparagraph to no more than six. The selection by
 27 the board of directors of a community college of a provider
 28 of an alternative retirement benefits system pursuant to
 29 this ~~lettered paragraph~~ subparagraph shall not constitute an
 30 endorsement of that provider by the community college.

31 b. However, the employer's annual contribution in dollars
 32 under an eligible alternative retirement benefits system
 33 described in this subsection shall not exceed the annual
 34 contribution in dollars which the employer would contribute if
 35 the employee had elected to remain an active member pursuant

1 to the Iowa public employees' retirement system, as set forth
2 in section 97B.11.

3 c. For purposes of this subsection, "*alternative retirement*
4 *benefits system*" means an employer-sponsored primary pension
5 plan requiring mandatory employer contributions that meets
6 the requirements of section 401(a), 403(a), or 403(b) of the
7 Internal Revenue Code.

8 Sec. 91. Section 261.1, Code 2009, is amended to read as
9 follows:

10 **261.1 Commission created.**

11 1. There is hereby created a commission to be known as the
12 "*College Student Aid Commission*" of the state of Iowa.

13 2. Membership of the commission shall be as follows:

14 ~~1-~~ a. A member of the state board of regents to be named
15 by the board, or the executive director of the board if
16 so appointed by the board, who shall serve for a four-year
17 term or until the expiration of the member's term of office.
18 Such member shall convene the organizational meeting of the
19 commission.

20 ~~2-~~ b. The director of the department of education or the
21 director's designee.

22 ~~3--a.~~ c. (1) Two members of the senate, one to be
23 appointed by the president of the senate and one to be
24 appointed by the minority leader of the senate, to serve as ex
25 officio, nonvoting members.

26 ~~b-~~ (2) Two members of the house of representatives, one
27 to be appointed by the speaker of the house of representatives
28 and one to be appointed by the minority leader of the house of
29 representatives, to serve as ex officio, nonvoting members.

30 ~~c-~~ (3) The members of the senate and house of
31 representatives shall serve at the pleasure of the appointing
32 legislator for a term beginning upon the convening of the
33 general assembly and expiring upon the convening of the
34 following general assembly, or when the appointee's successor
35 is appointed, whichever occurs later.

1 ~~4.~~ d. Eight additional members to be appointed by the
 2 governor. One of the members shall be selected to represent
 3 private colleges and universities located in the state of
 4 Iowa. When appointing this member, the governor shall give
 5 careful consideration to any person or persons nominated or
 6 recommended by any organization or association of some or all
 7 private colleges and universities located in the state of Iowa.
 8 One of the members shall be selected to represent community
 9 colleges located in the state of Iowa. When appointing this
 10 member, the governor shall give careful consideration to any
 11 person or persons nominated or recommended by any organization
 12 or association of Iowa community colleges. One member shall
 13 be enrolled as a student at a board of regents institution,
 14 community college, or accredited private institution. One
 15 member shall be a representative of a lending institution
 16 located in this state. One member shall be an individual
 17 who is repaying or has repaid a student loan guaranteed by
 18 the commission. The other three members, none of whom shall
 19 be official board members or trustees of an institution of
 20 higher learning or of an association of institutions of higher
 21 learning, shall be selected to represent the general public.
 22 3. The members of the commission appointed by the governor
 23 shall serve for a term of four years.

24 4. a. Vacancies on the commission shall be filled for the
 25 unexpired term of such vacancies in the same manner as the
 26 original appointment.

27 b. A vacancy shall exist on the commission when a
 28 legislative member of the commission ceases to be a member of
 29 the general assembly or when a student member ceases to be
 30 enrolled as a student. Such vacancy shall be filled within
 31 thirty days.

32 Sec. 92. Section 261.48, Code 2009, is amended to read as
 33 follows:

34 **261.48 Minority teacher loan payments.**

35 1. An individual is eligible for reimbursement payments

1 under the guaranteed loan payment program if the individual
2 meets all of the following conditions:

- 3 ~~1.~~ a. Is a teacher employed on a full-time basis under
4 sections 279.13 through 279.19 in a school district in this
5 state, is a teacher in an approved nonpublic school in this
6 state, or is a licensed teacher at the Iowa braille and sight
7 saving school or the Iowa school for the deaf.
- 8 ~~2.~~ b. Is a member of a minority.
- 9 ~~3.~~ c. Has never defaulted on a loan guaranteed by the
10 commission.
- 11 ~~4.~~ d. Has an outstanding debt with an eligible lender
12 under the Iowa guaranteed student loan program or the Iowa
13 supplemental loans for students program, has parents with an
14 outstanding debt with an eligible lender under the Iowa PLUS
15 loan program, or has an outstanding debt under the Stafford
16 loan program, the supplemental loans for students program, or
17 the PLUS loan program.
- 18 ~~5.~~ e. Graduated from college after January 1, 1989.
- 19 2. The maximum annual reimbursement payment to an eligible
20 teacher under this section for loan repayments made during a
21 school year is one thousand dollars or the remainder of the
22 teacher's loan, whichever is less. Total payments under this
23 section for an eligible teacher are limited to a six-year
24 period and shall not exceed six thousand dollars. If a teacher
25 fails to complete a year of employment on a full-time basis
26 as provided in subsection 1, paragraph "a", the teacher shall
27 not be reimbursed for loan payments made during that school
28 year. If the number of eligible applicants exceeds the funding
29 available, the commission may accept applicants based on
30 academic scholarship.
- 31 3. The commission may sign contracts with eligible students
32 at or after the time of loan origination to assure loan
33 repayment.

34 Sec. 93. Section 261.121, subsection 2, unnumbered
35 paragraph 2, Code 2009, is amended to read as follows:

1 3. The notice shall include all of the following:

2 Sec. 94. Section 272C.6, subsections 3, 4, and 6, Code 2009,
3 are amended to read as follows:

4 3. a. The presiding officer of a hearing panel may issue
5 subpoenas pursuant to rules of the board on behalf of the board
6 or on behalf of the licensee. A licensee may have subpoenas
7 issued on the licensee's behalf.

8 (1) A subpoena issued under the authority of a licensing
9 board may compel the attendance of witnesses and the production
10 of professional records, books, papers, correspondence and
11 other records, whether or not privileged or confidential under
12 law, which are deemed necessary as evidence in connection with
13 a disciplinary proceeding.

14 (2) Nothing in this subsection shall be deemed to enable
15 a licensing board to compel an attorney of the licensee, or
16 stenographer or confidential clerk of the attorney, to disclose
17 any information when privileged against disclosure by section
18 622.10.

19 (3) In the event of a refusal to obey a subpoena, the
20 licensing board may petition the district court for its
21 enforcement. Upon proper showing, the district court shall
22 order the person to obey the subpoena, and if the person fails
23 to obey the order of the court the person may be found guilty of
24 contempt of court.

25 b. The presiding officer of a hearing panel may also
26 administer oaths and affirmations, take or order that
27 depositions be taken, and pursuant to rules of the board, grant
28 immunity to a witness from disciplinary proceedings initiated
29 either by the board or by other state agencies which might
30 otherwise result from the testimony to be given by the witness
31 to the panel.

32 4. a. In order to assure a free flow of information for
33 accomplishing the purposes of this section, and notwithstanding
34 section 622.10, all complaint files, investigation files,
35 other investigation reports, and other investigative

1 information in the possession of a licensing board or peer
2 review committee acting under the authority of a licensing
3 board or its employees or agents which relates to licensee
4 discipline are privileged and confidential, and are not subject
5 to discovery, subpoena, or other means of legal compulsion
6 for their release to a person other than the licensee and
7 the boards, their employees and agents involved in licensee
8 discipline, and are not admissible in evidence in a judicial or
9 administrative proceeding other than the proceeding involving
10 licensee discipline. However, investigative information
11 in the possession of a licensing board or its employees or
12 agents which relates to licensee discipline may be disclosed
13 to appropriate licensing authorities within this state,
14 the appropriate licensing authority in another state, the
15 coordinated licensure information system provided for in
16 the nurse licensure compact contained in section 152E.1 or
17 the advanced practice registered nurse compact contained in
18 section 152E.3, the District of Columbia, or a territory or
19 country in which the licensee is licensed or has applied for a
20 license. If the investigative information in the possession
21 of a licensing board or its employees or agents indicates a
22 crime has been committed, the information shall be reported
23 to the proper law enforcement agency. However, a final
24 written decision and finding of fact of a licensing board in a
25 disciplinary proceeding, including a decision referred to in
26 section 272C.3, subsection 4, is a public record.

27 b. Pursuant to the provisions of section 17A.19, subsection
28 6, a licensing board upon an appeal by the licensee of the
29 decision by the licensing board, shall transmit the entire
30 record of the contested case to the reviewing court.

31 c. Notwithstanding the provisions of section 17A.19,
32 subsection 6, if a waiver of privilege has been involuntary
33 and evidence has been received at a disciplinary hearing, the
34 court shall order withheld the identity of the individual whose
35 privilege was waived.

1 6. a. A board created pursuant to chapter 147, 154A, 155,
2 169, 542, 542B, 543B, 543D, 544A, or 544B may charge a fee not
3 to exceed seventy-five dollars for conducting a disciplinary
4 hearing pursuant to this chapter which results in disciplinary
5 action taken against the licensee by the board, and in addition
6 to the fee, may recover from a licensee the costs for the
7 following procedures and associated personnel:

8 ~~a.~~ (1) Transcript.

9 ~~b.~~ (2) Witness fees and expenses.

10 ~~c.~~ (3) Depositions.

11 ~~d.~~ (4) Medical examination fees incurred relating to a
12 person licensed under chapter 147, 154A, 155, or 169.

13 b. The department of agriculture and land stewardship,
14 the department of commerce, and the Iowa department of public
15 health shall each adopt rules pursuant to chapter 17A which
16 provide for the allocation of fees and costs collected pursuant
17 to this section to the board under its jurisdiction collecting
18 the fees and costs. The fees and costs shall be considered
19 repayment receipts as defined in section 8.2.

20 Sec. 95. Section 273.9, subsection 4, Code 2009, is amended
21 to read as follows:

22 4. The costs of media services provided through the area
23 education agency shall not be funded until the program plans
24 submitted by the administrators of each area education agency
25 as required by section 273.4 are modified as necessary and
26 approved by the director of the department of education
27 according to the criteria of section 273.6.

28 5. The state board of education shall adopt rules under
29 chapter 17A relating to the approval of program plans under
30 this section.

31 Sec. 96. Section 273.22, subsection 2, Code 2009, is amended
32 to read as follows:

33 2. a. The collective bargaining agreement of the area
34 education agency with the largest basic enrollment, as
35 defined in section 257.6, for the year prior to the year the

1 reorganization is effective, shall serve as the base agreement
2 in the new area education agency and the employees of the other
3 area education agencies involved in the formation of the new
4 area education agency shall automatically be accreted to the
5 bargaining unit of that collective bargaining agreement for
6 purposes of negotiating the contracts for the following years
7 without further action by the public employment relations
8 board. If only one collective bargaining agreement is in
9 effect among the area education agencies that are party to
10 the reorganization, that agreement shall serve as the base
11 agreement, and the employees of the other agencies involved
12 in the formation of the new area education agency shall
13 automatically be accreted to the bargaining unit of that
14 collective bargaining agreement for purposes of negotiating the
15 contracts for the following years without further action by the
16 public employment relations board.

17 b. The board of the newly formed area education agency,
18 using the base agreement as its existing contract, shall
19 bargain with the combined employees of the affected agencies
20 for the school year that begins on the effective date of the
21 reorganization. The bargaining shall be completed by the
22 dates specified in section 20.17 prior to the school year
23 in which the reorganization becomes effective or within one
24 hundred eighty days after the organization of the new board,
25 whichever is later. If a bargaining agreement was already
26 concluded by the board and employees of the affected agency
27 with the contract serving as the base agreement for the school
28 year beginning with the effective date of the reorganization,
29 that agreement shall be void. However, if the base agreement
30 contains multiyear provisions affecting school years subsequent
31 to the effective year of the reorganization, the base agreement
32 shall remain in effect as specified in the agreement.

33 c. The provisions of the base agreement shall apply to the
34 offering of new contracts or continuation, modification, or
35 termination of existing contracts as provided in subsection 1.

1 Sec. 97. Section 275.33, subsection 2, Code 2009, is amended
2 to read as follows:

3 2. a. The collective bargaining agreement of the district
4 with the largest basic enrollment for the year prior to
5 the reorganization, as defined in section 257.6, in the new
6 district shall serve as the base agreement and the employees
7 of the other districts involved in the formation of the new
8 district shall automatically be accreted to the bargaining
9 unit of that collective bargaining agreement for purposes of
10 negotiating the contracts for the following years without
11 further action by the public employment relations board. If
12 only one collective bargaining agreement is in effect among
13 the districts which are party to the reorganization, then that
14 agreement shall serve as the base agreement, and the employees
15 of the other districts involved in the formation of the new
16 district shall automatically be accreted to the bargaining
17 unit of that collective bargaining agreement for purposes of
18 negotiating the contracts for the following years without
19 further action by the public employment relations board.

20 b. The board of the newly formed district, using the base
21 agreement as its existing contract, shall bargain with the
22 combined employees of the existing districts for the school
23 year beginning with the effective date of the reorganization.
24 The bargaining shall be completed by the dates specified
25 in section 20.17 prior to the school year in which the
26 reorganization becomes effective or within one hundred eighty
27 days after the organization of the new board, whichever is
28 later. If a bargaining agreement was already concluded by the
29 board and employees of the existing district with the contract
30 serving as the base agreement for the school year beginning
31 with the effective date of the reorganization, that agreement
32 shall be void. However, if the base agreement contains
33 multiyear provisions affecting school years subsequent to the
34 effective date of the reorganization, the base agreement shall
35 remain in effect as specified in the agreement.

1 c. The provisions of the base agreement shall apply to the
2 offering of new contracts, or continuation, modification, or
3 termination of existing contracts as provided in subsection 1
4 ~~of this section.~~

5 Sec. 98. Section 277.28, Code 2009, is amended to read as
6 follows:

7 **277.28 Oath required.**

8 1. Each director elected at a regular district or director
9 district election shall qualify by taking the oath of office
10 on or before the time set for the organization meeting of the
11 board and the election and qualification entered of record by
12 the secretary. The oath may be administered by any qualified
13 member of the board or the secretary of the board and may be
14 taken in substantially the following form:

15 ~~"Do~~ Do you solemnly swear that you will support the
16 Constitution of the United States and the Constitution of the
17 State of Iowa and that you will faithfully and impartially to
18 the best of your ability discharge the duties of the office
19 of (naming the office)
20 in (naming the district) as now or
21 hereafter required by ~~law?~~ law?

22 2. If the oath of office is taken elsewhere than in the
23 presence of the board in session it may be administered by
24 any officer listed in sections 63A.1 and 63A.2 and shall be
25 subscribed to by the person taking it in substantially the
26 following form:

27 ~~"I~~ I,, do solemnly swear that I
28 will support the Constitution of the United States and the
29 Constitution of the State of Iowa and that I will faithfully
30 and impartially to the best of my ability discharge the duties
31 of the office of (naming the office)
32 in (naming the district) as now or
33 hereafter required by ~~law.~~ law.

34 3. Such oath shall be properly verified by the administering
35 officer and filed with the secretary of the board.

1 Sec. 99. Section 279.40, Code 2009, is amended to read as
2 follows:

3 **279.40 Sick leave.**

4 1. a. Public school employees are granted leave of absence
5 for medically related disability with full pay in the following
6 minimum amounts:

- 7 ~~1.~~ (1) The first year of employment 10 days.
- 8 ~~2.~~ (2) The second year of employment 11 days.
- 9 ~~3.~~ (3) The third year of employment 12 days.
- 10 ~~4.~~ (4) The fourth year of employment 13 days.
- 11 ~~5.~~ (5) The fifth year of employment 14 days.
- 12 ~~6.~~ (6) The sixth and subsequent years
13 of employment 15 days.

14 b. The above amounts shall apply only to consecutive years
15 of employment in the same school district and unused portions
16 shall be cumulative to at least a total of ninety days. The
17 school board shall, in each instance, require such reasonable
18 evidence as it may desire confirming the necessity for such
19 leave of absence.

20 2. Nothing in this section shall be construed as limiting
21 the right of a school board to grant more time than the days
22 herein specified.

23 3. Cumulation of sick leave under this section shall not be
24 affected or terminated due to the organization or dissolution
25 of a community school district or districts which include all
26 or the portion of the district which employed the particular
27 public school employee for the school year previous to the
28 organization or dissolution, if the employee is employed by one
29 of the community school districts for the first school year
30 following its organization or dissolution.

31 4. Any amounts due an employee under this section shall be
32 reduced by benefits payable under sections 85.33 and 85.34,
33 subsection 1.

34 Sec. 100. Section 279.51, subsection 1, unnumbered
35 paragraphs 1 and 2, Code 2009, are amended to read as follows:

1 There is appropriated from the general fund of the state
2 to the department of education for the fiscal year beginning
3 July 1, 2007, and each succeeding fiscal year, the sum of
4 twelve million six hundred six thousand one hundred ninety-six
5 dollars. The moneys shall be allocated as follows:

6 ~~The moneys shall be allocated as follows:~~

7 Sec. 101. Section 280.21A, subsection 1, Code 2009, is
8 amended to read as follows:

9 1. a. A school employee who, in the course of employment,
10 suffers a personal injury causing temporary total disability,
11 or a permanent partial or total disability, resulting from an
12 episode of violence toward that employee, for which workers'
13 compensation under chapter 85 is payable, shall be entitled
14 to receive workers' compensation, which the district shall
15 supplement in order for the employee to receive full salary and
16 benefits for the shortest of the following periods:

17 ~~a.~~ (1) One year from the date of the disability.

18 ~~b.~~ (2) The period during which the employee is disabled and
19 incapable of employment.

20 b. During the period described in paragraph "a" or "~~b~~",
21 subparagraph (1) or (2), the school employee shall not be
22 required to use accumulated sick leave or vacation.

23 Sec. 102. Section 284.14, subsection 5, Code 2009, is
24 amended to read as follows:

25 5. *Iowa excellence fund.*

26 a. An Iowa excellence fund is created within the office of
27 the treasurer of state, to be administered by the commission.
28 Notwithstanding section 8.33, moneys in the fund that remain
29 unencumbered or unobligated at the close of the fiscal year
30 shall not revert but shall remain in the fund.

31 b. The commission may provide grants from this fund,
32 according to criteria developed by the commission, for
33 implementation of the pay-for-performance program.

34 Sec. 103. Section 298.4, Code 2009, is amended to read as
35 follows:

1 **298.4 District management levy.**

2 1. The board of directors of a school district may certify
3 for levy by April 15 of a school year, a tax on all taxable
4 property in the school district for a district management levy.
5 The revenue from the tax levied in this section shall be placed
6 in the district management levy fund of the school district.
7 The district management levy shall be expended only for the
8 following purposes:

9 ~~1.~~ a. To pay the cost of unemployment benefits as provided
10 in section 96.31.

11 ~~2.~~ b. To pay the costs of liability insurance and the costs
12 of a judgment or settlement relating to liability together with
13 interest accruing on the judgment or settlement to the expected
14 date of payment.

15 ~~3.~~ c. To pay the costs of insurance agreements under
16 section 296.7.

17 ~~4.~~ d. To pay the costs of a judgment under section 298.16.

18 ~~5.~~ e. To pay the cost of early retirement benefits to
19 employees under section 279.46.

20 2. Unencumbered funds collected from the levies authorized
21 in sections 96.31, 279.46, and 296.7 prior to July 1, 1991, may
22 be expended for the purposes listed in subsections 1, ~~3,~~ and
23 5 paragraphs "a", "c", and "e".

24 Sec. 104. Section 303.1A, Code 2009, is amended to read as
25 follows:

26 **303.1A Director's duties.**

27 1. The duties of the director shall include, but are not
28 limited to, the following:

29 ~~1.~~ a. Adopt rules that are necessary for the effective
30 administration of the department.

31 ~~2.~~ b. Direct and administer the programs and services of
32 the department.

33 ~~3.~~ c. Prepare the departmental budget request by September
34 ~~first~~ 1 of each year on the forms furnished, and including the
35 information required by the department of management.

1 ~~4.~~ d. Accept, receive, and administer grants or other funds
2 or gifts from public or private agencies including the federal
3 government for the various divisions and the department.

4 ~~5.~~ e. Appoint and approve the technical, professional,
5 secretarial, and clerical staff necessary to accomplish the
6 purposes of the department subject to chapter 8A, subchapter
7 IV.

8 ~~6.~~ f. Administer the Iowa cultural trust as provided in
9 chapter 303A and do all of the following:

10 ~~a.~~ (1) Develop and adopt by rule criteria for the issuance
11 of trust fund credits by measuring the efforts of qualified
12 organizations, as defined in section 303A.3, to increase their
13 endowment or other resources for the promotion of the arts,
14 history, or the sciences and humanities in Iowa. If the
15 director determines that the organizations have increased the
16 amount of their endowment and other resources, the director
17 shall certify the amount of increase in the form of trust
18 fund credits to the treasurer, who shall deposit in the Iowa
19 cultural trust fund, from moneys received for purposes of the
20 trust fund as provided in section 303A.4, subsection 2, an
21 amount equal to the trust fund credits. If the amount of the
22 trust fund credits issued by the director exceeds the amount of
23 moneys available to be deposited in the trust fund as provided
24 in section 303A.4, subsection 2, the outstanding trust fund
25 credits shall not expire but shall be available to draw down
26 additional moneys which become available to be deposited in the
27 trust fund as provided in section 303A.4, subsection 2.

28 ~~b.~~ (2) Develop and implement, in accordance with chapter
29 303A, a grant application process for grants issued to
30 qualified organizations as defined in section 303A.3.

31 ~~c.~~ (3) Develop and adopt by rule criteria for the
32 approval of Iowa cultural trust grants. The criteria shall
33 include, but shall not be limited to, the future stability and
34 sustainability of a qualified organization.

35 ~~d.~~ (4) Compile, in consultation with the Iowa arts

1 council and the state historical society of Iowa, a list of
 2 grant applications recommended for funding in accordance
 3 with the amount available for distribution as provided in
 4 section 303A.6, subsection 3. The list of recommended grant
 5 applications shall be submitted to the Iowa cultural trust
 6 board of trustees for approval.

7 ~~e.~~ (5) Monitor the allocation and use of grant moneys by
 8 qualified organizations to determine whether moneys are used
 9 in accordance with the provisions of this ~~subsection~~ paragraph
 10 "f" and chapter 303A. The director shall annually submit the
 11 director's findings and recommendations in a report to the Iowa
 12 cultural trust board of trustees prior to final board action in
 13 approving grants for the next succeeding fiscal year.

14 2. The director may appoint a member of the staff to be
 15 acting director who shall have the powers delegated by the
 16 director in the director's absence. The director may delegate
 17 the powers and duties of that office to the administrators.

18 Sec. 105. Section 307.12, Code 2009, is amended to read as
 19 follows:

20 **307.12 Duties of the director.**

21 1. The director shall:

22 ~~1.~~ a. Manage the internal operations of the department and
 23 establish guidelines and procedures to promote the orderly and
 24 efficient administration of the department.

25 ~~2.~~ b. Employ personnel as necessary to carry out the duties
 26 and responsibilities of the department, consistent with chapter
 27 8A, subchapter IV.

28 ~~3.~~ c. Assist the commission in developing state
 29 transportation policy and a state transportation plan.

30 ~~4.~~ d. Establish temporary advisory boards of a size the
 31 director deems appropriate to advise the department.

32 ~~5.~~ e. Prepare a budget for the department and prepare
 33 reports required by law.

34 ~~6.~~ f. Present the department's proposed budget to the
 35 commission prior to December 31 of each year.

- 1 ~~7.~~ g. Appoint the deputy director of transportation and the
2 administrators of the department.
- 3 ~~8.~~ h. Review and submit legislative proposals necessary to
4 maintain current state transportation laws.
- 5 ~~9.~~ i. Enter into reciprocal agreements relating to motor
6 vehicle inspections with authorized officials of any other
7 state, subject to approval by the commission. The director may
8 exempt or impose requirements upon nonresident motor vehicles
9 consistent with those imposed upon vehicles of Iowa residents
10 operated in other states.
- 11 ~~10.~~ j. Adopt rules in accordance with chapter 17A as
12 the director deems necessary for the administration of the
13 department and the exercise of the director's and department's
14 powers and duties.
- 15 ~~11.~~ k. Reorganize the administration of the department as
16 needed to increase administrative efficiency.
- 17 ~~12.~~ l. Provide for the receipt or disbursement of federal
18 funds allocated to the state and its political subdivisions for
19 transportation purposes.
- 20 ~~13.~~ m. Include in the department's annual budget all
21 estimated federal funds to be received or allocated to the
22 department.
- 23 ~~14.~~ n. Adopt, after consultation with the department of
24 natural resources and the department of public safety, rules
25 relating to enforcement of the rules regarding transportation
26 of hazardous wastes adopted by the department of natural
27 resources. The department and the division of state patrol of
28 the department of public safety shall carry out the enforcement
29 of the rules.
- 30 ~~15.~~ o. Prepare and submit a report to the general assembly
31 on or before January 15 of each fiscal year describing the
32 prior fiscal year's highway construction program, actual
33 expenditures of the program, and contractual obligations of the
34 program.
- 35 ~~16.~~ p. Administer chapter 327J.

1 2. If in the interest of the state, the director may allow
2 a subsistence expense to an employee under the supervision of
3 the department's administrator for highways for continuous
4 stay in one location while on duty away from established
5 headquarters and place of domicile for a period not to exceed
6 forty-five days; and allow automobile expenses in accordance
7 with section 8A.363, for moving an employee and the employee's
8 family from place of present domicile to new domicile, and
9 actual transportation expense for moving of household goods.
10 The household goods for which transportation expense is allowed
11 shall not include pets or animals.

12 Sec. 106. Section 314.1, subsection 3, Code 2009, is amended
13 to read as follows:

14 3. a. In the award of contracts for the construction,
15 reconstruction, improvement, or repair or maintenance of a
16 highway, bridge, or culvert, the agency having charge of
17 awarding such contracts shall give due consideration not
18 only to the prices bid but also to the mechanical or other
19 equipment and the financial responsibility and experience in
20 the performance of like or similar contracts. The agency may
21 reject any or all bids. The agency may readvertise and relet
22 the project without conducting an additional public hearing
23 if no substantial changes are made to the project's plans or
24 specifications. The agency may let by private contract or
25 build by day labor, at a cost not in excess of the lowest bid
26 received.

27 b. Upon the completion of any contract or project on
28 either the farm-to-market or secondary road system, the county
29 engineer shall file with the county auditor a statement showing
30 the total cost thereof with certificate that the work has been
31 done in accordance with the plans and specifications. Upon
32 completion of a contract or project on the municipal street
33 system, the city public works department or city engineer shall
34 file with the city clerk a statement showing the total cost of
35 the contract or project with a certificate that the work has

1 been done in accordance with the plans and specifications. All
2 contracts shall be in writing and shall be secured by a bond
3 for the faithful performance thereof as provided by law.

4 Sec. 107. Section 314.22, subsection 3, paragraph b,
5 unnumbered paragraph 2, Code 2009, is amended to read as
6 follows:

7 c. Members of the committee shall serve without
8 compensation, but may be reimbursed for allowable expenses from
9 the living roadway trust fund created under section 314.21. No
10 more than a simple majority of the members of the committee
11 shall be of the same gender as provided in section 69.16A.
12 The director of the department shall appoint the chair of the
13 committee and shall establish a minimum schedule of meetings
14 for the committee.

15 Sec. 108. Section 317.1A, Code 2009, is amended to read as
16 follows:

17 **317.1A Noxious weeds.**

18 1. The following weeds are hereby declared to be noxious and
19 shall be divided into two classes, namely as follows:

20 ~~1-~~ a. Primary noxious weeds, which shall include quack:

21 (1) Quack grass (Agropyron repens),~~perennial.~~

22 (2) Perennial sow thistle (Sonchus arvensis),~~.~~

23 (3) Canada thistle (Cirsium arvense),~~bull.~~

24 (4) Bull thistle (Cirsium lanceolatum),~~.~~

25 (5) European morning glory or field bindweed (Convolvulus
26 arvensis),~~horse.~~

27 (6) Horse nettle (Solanum carolinense),~~leafy.~~

28 (7) Leafy spurge (Euphorbia esula),~~perennial.~~

29 (8) Perennial pepper-grass (Lepidium draba),~~.~~

30 (9) Russian knapweed (Centaurea repens),~~buckthorn.~~

31 (10) Buckthorn (Rhamnus, not to include Rhamnus frangula),
32 ~~and all.~~

33 (11) All other species of thistles belonging in the genera
34 of Cirsium and Carduus.

35 ~~2-~~ b. Secondary noxious weeds, which shall include

1 butterprint:

- 2 (1) Butterprint (Abutilon theophrasti) annual, ~~cocklebur.~~
- 3 (2) Cocklebur (Xanthium commune) annual, ~~wild.~~
- 4 (3) Wild mustard (Brassica arvensis) annual, ~~wild.~~
- 5 (4) Wild carrot (Daucus carota) biennial, ~~buckhorn.~~
- 6 (5) Buckhorn (Plantago lanceolata) perennial, ~~sheep.~~
- 7 (6) Sheep sorrel (Rumex acetosella) perennial, ~~sour.~~
- 8 (7) Sour dock (Rumex crispus) perennial, ~~smooth.~~
- 9 (8) Smooth dock (Rumex altissimus) perennial, ~~poison.~~
- 10 (9) Poison hemlock (Conium maculatum), ~~multiflora.~~
- 11 (10) Multiflora rose (Rosa multiflora), ~~wild.~~
- 12 (11) Wild sunflower (wild strain of Helianthus annus L.)
- 13 annual, ~~puncture.~~
- 14 (12) Puncture vine (Tribulus terrestris) annual, ~~teasel.~~
- 15 (13) Teasel (Dipsacus) biennial, ~~and shattercane.~~
- 16 (14) Shattercane (Sorghum bicolor) annual.

17 2. a. The multiflora rose (Rosa multiflora) shall not be
 18 considered a secondary noxious weed when cultivated for or used
 19 as understock for cultivated roses or as ornamental shrubs in
 20 gardens, or in any county whose board of supervisors has by
 21 resolution declared it not to be a noxious weed.

22 b. Shattercane (Sorghum bicolor) shall not be considered a
 23 secondary noxious weed when cultivated or in any county whose
 24 board of supervisors has by resolution declared it not to be a
 25 noxious weed.

26 Sec. 109. Section 317.6, Code 2009, is amended to read as
 27 follows:

28 **317.6 Entering land to destroy weeds — notice.**

29 1. If there is a substantial failure by the owner or person
 30 in possession or control of any land to comply with any order
 31 of destruction pursuant to the provisions of this chapter, the
 32 county weed commissioner, including the weed commissioner's
 33 deputies, or employees acting under the weed commissioner's
 34 direction may enter upon any land within the commissioner's
 35 county for the purpose of destroying noxious weeds.

1 2. The entry may be made without the consent of the
2 landowner or person in possession or control of the land.
3 However, the actual work of destruction shall not be commenced
4 until five days after the landowner and the person in
5 possession or control of the land have been notified.

6 3. The notice shall state the facts relating to failure of
7 compliance with the county program of weed destruction order
8 or orders made by the board of supervisors. The notice shall
9 be delivered by personal service on the owner and persons in
10 possession and control of the land. The personal service may
11 be served by the weed commissioner or any person designated in
12 writing by the weed commissioner. However, in lieu of personal
13 service, the weed commissioner may provide that the notice be
14 delivered by certified mail. A copy of the notice shall be
15 filed in the office of the county auditor. The last known
16 address of the owner or person in possession or control of the
17 land may be ascertained, if necessary, from the last tax list
18 in the county treasurer's office. Where any person owning
19 land within the county has filed a written instrument in the
20 office of the county auditor designating the name and address
21 of its agent, the notice may be delivered to that agent. In
22 computing time for notice, it shall be from the date of service
23 as evidenced on the return of service. If delivery is made by
24 certified mail, it shall be from the date of mailing.

25 Sec. 110. Section 317.14, Code 2009, is amended to read as
26 follows:

27 **317.14 Notice of program.**

28 1. Notice of any order made pursuant to section 317.13 shall
29 be given by one publication in the official newspapers of the
30 county and shall be directed to all property owners.

31 2. ~~Said~~ The notice shall state:

32 ~~1.~~ a. The time for destruction.

33 ~~2.~~ b. The manner of destruction, if other than cutting
34 above the surface of the ground.

35 ~~3.~~ c. That, unless said the order is complied with, the

1 weed commissioner shall cause ~~said~~ the weeds to be destroyed
 2 and the cost ~~thereof~~ of destroying the weeds will be taxed
 3 against the real estate on which the noxious weeds are
 4 destroyed.

5 Sec. 111. Section 321.1, subsection 20A, Code Supplement
 6 2009, is amended to read as follows:

7 20A. "*Driver's license*" means any license or permit
 8 issued to a person to operate a motor vehicle on the highways
 9 of this state, including but not limited to a temporary
 10 restricted or temporary license and an instruction, chauffeur's
 11 instruction, commercial driver's instruction, or temporary
 12 permit. For purposes of license suspension, revocation, bar,
 13 disqualification, cancellation, or denial under this chapter
 14 and chapters 321A, 321C, and 321J, "driver's license" includes
 15 any privilege to operate a motor vehicle.

16 ~~For purposes of license suspension, revocation, bar,~~
 17 ~~disqualification, cancellation, or denial under this~~
 18 ~~chapter and chapters 321A, 321C, and 321J, "driver's~~
 19 ~~license" includes any privilege to operate a motor vehicle.~~

20 Sec. 112. Section 321.190, subsection 1, paragraph d, Code
 21 2009, is amended to read as follows:

22 d. The fee for a nonoperator's identification card shall
 23 be five dollars and the card shall be valid for a period
 24 of five years from the date of issuance. A nonoperator's
 25 identification card shall be issued without expiration
 26 to anyone age seventy or over. If an applicant for a
 27 nonoperator's identification card is a foreign national
 28 who is temporarily present in this state, the nonoperator's
 29 identification card shall be issued only for the length of time
 30 the foreign national is authorized to be present as determined
 31 by the department, not to exceed two years. An issuance fee
 32 shall not be charged for a person whose driver's license or
 33 driving privilege has been suspended under section 321.210,
 34 subsection 1, paragraph ~~"e"~~ (a), subparagraph (3).

35 e. The nonoperator's identification card fees shall be

1 transmitted by the department to the treasurer of state who
2 shall credit the fees to the road use tax fund.

3 Sec. 113. Section 321.210, subsection 1, Code 2009, is
4 amended to read as follows:

5 1. a. The department is authorized to establish rules
6 providing for the suspension of the license of an operator upon
7 thirty days' notice and without preliminary hearing upon a
8 showing by its records or other sufficient evidence that the
9 licensee:

10 ~~a.~~ (1) Is an habitually reckless or negligent driver of a
11 motor vehicle.

12 ~~b.~~ (2) Is an habitual violator of the traffic laws.

13 ~~c.~~ (3) Is physically or mentally incapable of safely
14 operating a motor vehicle.

15 ~~d.~~ (4) Has permitted an unlawful or fraudulent use of the
16 license.

17 ~~e.~~ (5) Has committed an offense or acted in a manner in
18 another state or foreign jurisdiction which in this state would
19 be grounds for suspension or revocation.

20 ~~f.~~ (6) Has committed a serious violation of the motor
21 vehicle laws of this state.

22 ~~g.~~ (7) Is subject to a license suspension under section
23 321.513.

24 b. Prior to a suspension taking effect under paragraph
25 ~~"a", "b", "c", "d", "e", or "f"~~ subparagraphs (1), (2), (3),
26 (4), (5), or (6), the licensee shall have received thirty
27 days' advance notice of the effective date of the suspension.
28 Notwithstanding the terms of the Iowa administrative procedure
29 Act, chapter 17A, the filing of a petition for judicial
30 review shall, except for suspensions under paragraph ~~"e"~~ "a",
31 subparagraph (3), operate to stay the suspension pending the
32 determination by the district court.

33 Sec. 114. Section 321.212, subsection 1, paragraph a, Code
34 2009, is amended to read as follows:

35 a. (1) Except as provided in section 321.210A or 321.513

1 the department shall not suspend a license for a period of
 2 more than one year, except that a license suspended because of
 3 incompetency to drive a motor vehicle shall be suspended until
 4 the department receives satisfactory evidence that the former
 5 holder is competent to operate a motor vehicle and a refusal
 6 to reinstate constitutes a denial of license within section
 7 321.215; upon revoking a license the department shall not grant
 8 an application for a new license until the expiration of one
 9 year after the revocation, unless another period is specified
 10 by law.

11 (2) A suspension under section 321.210, subsection 1,
 12 paragraph ~~"d"~~ "a", subparagraph (4), for a violation of section
 13 321.216B shall not exceed six months. As soon as practicable
 14 after the period of suspension has expired, but not later than
 15 six months after the date of expiration, the department shall
 16 expunge information regarding the suspension from the person's
 17 driving record.

18 Sec. 115. Section 321.299, Code 2009, is amended to read as
 19 follows:

20 **321.299 Overtaking a vehicle.**

21 The following rules shall govern the overtaking and passing
 22 of vehicles proceeding in the same direction, subject to those
 23 limitations, exceptions, and special rules hereinafter stated:

24 1. The driver of a vehicle overtaking another vehicle
 25 proceeding in the same direction shall pass to the left
 26 ~~thereof~~ of the other vehicle at a safe distance and shall not
 27 again drive to the right side of the roadway until safely clear
 28 of the overtaken vehicle.

29 2. Except when overtaking and passing on the right is
 30 permitted, the driver of an overtaken vehicle shall give way
 31 to the right in favor of the overtaking vehicle and shall not
 32 increase the speed of the overtaken vehicle until completely
 33 passed by the overtaking vehicle.

34 Sec. 116. Section 321.366, Code 2009, is amended to read as
 35 follows:

1 **321.366 Acts prohibited on fully controlled-access**
2 **facilities.**

3 1. It is unlawful for a person, except a person
4 operating highway maintenance equipment or an authorized
5 emergency vehicle, to do any of the following on a fully
6 controlled-access facility:

7 ~~1.~~ a. Drive a vehicle over, upon, or across a curb, central
8 dividing section, or other separation or dividing line.

9 ~~2.~~ b. Make a left turn or a semicircular or U-turn at a
10 maintenance cross-over where an official sign prohibits the
11 turn.

12 ~~3.~~ c. Drive a vehicle except in the proper lane provided
13 for that purpose and in the proper direction and to the right
14 of the central dividing curb, separation, section, or line.

15 ~~4.~~ d. Drive a vehicle into the facility from a local
16 service road.

17 ~~5.~~ e. Stop, park, or leave standing a vehicle, whether
18 attended or unattended, upon the paved portion.

19 ~~6.~~ f. Stop, park, or leave standing a vehicle, whether
20 attended or unattended, upon the shoulders, or the right-of-way
21 except at designated rest areas or in case of an emergency or
22 other dire necessity.

23 2. For the purpose of this section, fully controlled-access
24 facility is a highway which gives preference to through traffic
25 by providing access connections at interchanges with selected
26 public roads only and by prohibiting crossings at grade or
27 direct access at driveway connections.

28 3. Violations of this section are punishable as a scheduled
29 violation under section 805.8A, subsection 6, paragraph "d".

30 Sec. 117. Section 321.383, subsection 3, Code 2009, is
31 amended to read as follows:

32 3. Garbage collection vehicles, when operated on the
33 streets or highways of this state at speeds of thirty-five
34 miles per hour or less, may display a reflective device
35 that complies with the standards of the American society of

1 agricultural engineers. At speeds in excess of thirty-five
2 miles per hour the device shall not be visible.

3 4. Any person who violates any provision of this section
4 shall be fined as provided in section 805.8A, subsection 3,
5 paragraph "d".

6 Sec. 118. Section 321.409, Code 2009, is amended to read as
7 follows:

8 **321.409 Mandatory lighting equipment.**

9 1. Except as hereinafter provided, the headlamps or the
10 auxiliary driving lamp or the auxiliary passing lamp or
11 combination thereof on motor vehicles other than motorcycles
12 or motorized bicycles shall be so arranged that the driver
13 may select at will between distributions of light projected
14 to different elevations and the lamps may, in addition, be so
15 arranged that selection can be made automatically, subject to
16 the following limitations:

17 ~~1-~~ a. There shall be an uppermost distribution of light, or
18 composite beam, so aimed and of sufficient intensity to reveal
19 persons and vehicles at a distance of at least three hundred
20 fifty feet ahead for all conditions.

21 ~~2-~~ b. There shall be a lowermost distribution of light, or
22 composite beam so aimed and of sufficient intensity to reveal
23 persons and vehicles at a distance of at least one hundred
24 feet ahead. On a straight level road under any condition of
25 loading none of the high-intensity portion of the beam shall be
26 directed to strike the eyes of an approaching driver.

27 ~~3-~~ 2. Every new motor vehicle, other than a motorcycle
28 or motorized bicycle which has multiple-beam road-lighting
29 equipment shall be equipped with a beam indicator, which shall
30 be lighted whenever the uppermost distribution of light from
31 the headlamps is in use, and shall not otherwise be lighted.
32 The indicator shall be so designed and located that when
33 lighted it will be readily visible without glare to the driver
34 of the vehicle.

35 Sec. 119. Section 321.474, Code 2009, is amended to read as

1 follows:

2 **321.474 Department may restrict.**

3 1. The department shall have authority, as granted to
4 local authorities, to determine by resolution and to impose
5 restrictions as to the weight of vehicles, except implements of
6 husbandry as defined in section 321.1, implements of husbandry
7 loaded on hauling units for transporting the implements to
8 locations for repair, and fire apparatus and road maintenance
9 equipment owned by, under lease to, or used in the performance
10 of a contract with a state or local authority, operated upon
11 any highway under the jurisdiction of the department for a
12 definite period of time not to exceed twelve months. The
13 restrictions shall be effective when signs giving notice of the
14 restrictions and the expiration date of the restrictions are
15 erected upon the affected highway or portion of highway.

16 2. Upon a finding that a bridge or culvert does not
17 meet established standards set forth by state and federal
18 authorities, the department may impose, by resolution,
19 restrictions for an indefinite period of time on the weight of
20 vehicles operated upon bridges or culverts located on highways
21 under its jurisdiction. The restrictions shall be effective
22 when signs giving notice of the restrictions are erected. The
23 restrictions shall not apply to implements of husbandry loaded
24 on hauling units for transporting the implements to locations
25 for purposes of repair or to fire apparatus or road maintenance
26 equipment owned by, under lease to, or used in the performance
27 of a contract with a state or local authority.

28 3. For the purposes of restrictions imposed under
29 this section, a triple axle is any group of three or more
30 consecutive axles where the centers of any consecutive axles
31 are more than forty inches apart and where the centers of
32 the extreme axles are more than eighty-four inches apart but
33 not more than one hundred sixty-eight inches apart. Where
34 triple axle restrictions are imposed, the signs erected by the
35 department shall give notice of the restrictions.

1 4. Any person who violates a restriction imposed by
2 resolution pursuant to this section, upon conviction or a plea
3 of guilty, is subject to a fine determined by dividing the
4 difference between the actual weight of the vehicle and the
5 maximum weight allowed by the restriction by one hundred and
6 multiplying the quotient by two dollars.

7 5. The department may issue special permits, during periods
8 the restrictions are in effect, to permit limited operation
9 of vehicles upon specified routes with loads in excess of any
10 restrictions imposed under this section, but not in excess of
11 load restrictions imposed by this chapter. The department
12 shall issue a special permit for not to exceed eight weeks upon
13 a showing of agricultural hardship. The department shall issue
14 special permits to trucks moving farm produce, which decays
15 or loses its value if not speedily put to its intended use,
16 to market upon a showing to the department that there is a
17 requirement for trucking the produce, or to trucks moving any
18 farm feeds or fuel necessary for home heating purposes. The
19 operator of a vehicle which is the subject of a permit issued
20 under this ~~paragraph~~ subsection shall carry the permit while
21 operating the vehicle and shall show the permit to any peace
22 officer upon request.

23 Sec. 120. Section 321.491, Code 2009, is amended to read as
24 follows:

25 **321.491 Convictions and recommendations for suspension to be**
26 **reported.**

27 1. Every district judge, district associate judge, and
28 judicial magistrate shall keep a full record of every case in
29 which a person is charged with any violation of this chapter
30 or of any other law regulating the operation of vehicles on
31 highways.

32 2. a. Within ten days after the conviction or forfeiture
33 of bail of a person upon a charge of violating any provision of
34 this chapter or other law regulating the operation of vehicles
35 on highways every magistrate of the court or clerk of the

1 district court of record in which the conviction occurred or
2 bail was forfeited shall prepare and immediately forward to the
3 department an abstract of the record of the case. The abstract
4 of the record of the case must be certified by the person
5 preparing it to be true and correct.

6 b. A certified abstract of the record of the case prepared
7 for the department shall only be available to the public
8 from the department. A noncertified record of conviction
9 or forfeiture of bail shall be available to the public from
10 the judicial branch. The clerk of the district court shall
11 collect a fee of fifty cents for each noncertified copy of
12 any record of conviction or forfeiture of bail furnished to
13 any requester except the department or other local, state, or
14 federal government entity. Moneys collected under this section
15 shall be transferred to the department as a repayment receipt,
16 as defined in section 8.2, to enhance the efficiency of the
17 department to process records and information between the
18 department and the Iowa court information system.

19 c. Notwithstanding any other provision in this section
20 or chapter 22, the judicial branch shall be the provider of
21 public electronic access to the clerk's records of convictions
22 and forfeitures of bail through the Iowa court information
23 system and shall, if all such records are provided monthly to a
24 vendor, collect a fee from such vendor for the period beginning
25 on July 1, 1997, and ending on June 30, 1999, which is the
26 greater of three thousand dollars per month or the actual
27 direct cost of providing the records. On and after July 1,
28 1999, if all such records are provided monthly to a vendor,
29 the judicial branch shall collect a fee from such vendor which
30 is the greater of ten thousand dollars per month or the actual
31 direct cost of providing the records.

32 3. The abstract must be made upon a form furnished by the
33 department or by copying a uniform citation and complaint or
34 by using an electronic process which accurately reproduces or
35 forms a durable medium for accurately and legibly reproducing

1 an unaltered image or reproduction of the citation, and
2 must include the name and address of the party charged, the
3 registration number of the vehicle involved, the nature of
4 the offense, the date of hearing, the plea, the judgment, or
5 whether the bail was forfeited, the amount of the fine or
6 forfeiture, and any court recommendation, if any, that the
7 person's driver's license be suspended. The department shall
8 consider and act upon the recommendation.

9 4. Every clerk of a court of record shall also forward a
10 like report to the department upon the conviction of any person
11 of manslaughter or other felony in the commission of which a
12 vehicle was used.

13 5. The failure, refusal, or neglect of an officer to
14 comply with the requirements of this section shall constitute
15 misconduct in office and shall be ~~ground~~ grounds for removal
16 from office.

17 6. All abstracts received by the department under this
18 section shall be open to public inspection during reasonable
19 business hours.

20 Sec. 121. Section 321E.11, Code 2009, is amended to read as
21 follows:

22 **321E.11 Daylight movement only — exceptions — holidays.**

23 1. Movements by permit in accordance with this chapter
24 shall be permitted only during the hours from thirty minutes
25 prior to sunrise to thirty minutes following sunset unless the
26 issuing authority determines that the movement can be better
27 accomplished at another period of time because of traffic
28 volume conditions or the vehicle subject to the permit has an
29 overall length not to exceed one hundred feet, an overall width
30 not to exceed eleven feet, and an overall height not to exceed
31 fourteen feet, four inches, and the permit requires the vehicle
32 to operate only on those highways designated by the department.
33 Additional safety lighting and escorts may be required for
34 movement at night.

35 2. Except as provided in section 321.457, no movement by

1 permit shall be permitted on holidays, after twelve o'clock
2 noon on days preceding holidays and holiday weekends, or
3 special events when abnormally high traffic volumes can be
4 expected. Such restrictions shall not be applicable to urban
5 transit systems as defined in section 321.19, subsection 2.

6 3. For the purposes of this chapter, ~~holidays~~ "holidays"
7 shall include Memorial Day, Independence Day, and Labor Day.

8 Sec. 122. Section 327G.81, Code 2009, is amended to read as
9 follows:

10 **327G.81 Maintenance of improvements along rights-of-way.**

11 1. A person, including a state agency or political
12 subdivision of the state, who acquires a railroad right-of-way
13 after July 1, 1979, for a purpose other than farming has all of
14 the following responsibilities concerning that right-of-way:

15 ~~1-~~ a. Construction, maintenance, and repair of the fence
16 on each side of the property, however, this requirement may be
17 waived by a written agreement with the adjoining landowner.

18 ~~2-~~ b. Private crossings as provided for in section 327G.11.

19 ~~3-~~ c. Drainage as delineated in chapter 468, subchapter V.

20 ~~4-~~ d. Overhead, underground, or multiple crossings in
21 accord with section 327G.12.

22 ~~5-~~ e. Weed control in accord with chapter 317.

23 2. This section does not absolve the property owners of
24 other duties and responsibilities that they may be assigned as
25 property owners by law. Subsection 1, paragraph "a", does not
26 apply to rights-of-way located on land within the corporate
27 limits of a city except where the acquired right-of-way is
28 contiguous to land assessed as agricultural land.

29 Sec. 123. Section 328.41, Code 2009, is amended to read as
30 follows:

31 **328.41 Operating recklessly or while intoxicated.**

32 It shall be unlawful for any person to operate an aircraft
33 in the air space above this state or on the ground or water
34 within this state, while under the influence of intoxicating
35 liquor, narcotics, or other habit-forming drug, or to operate

1 an aircraft in the air space above this state or on the ground
2 or water within this state in a careless or reckless manner so
3 as to endanger the life or property of another.

4 1. Any person who operates an aircraft in a careless or
5 reckless manner in violation of the provisions of this section
6 shall be guilty of a simple misdemeanor.

7 2. Any person who operates any aircraft, while in an
8 intoxicated condition or under the influence of narcotic drugs
9 in violation of this section, shall, upon conviction or a plea
10 of guilty, be guilty of: a

11 a. A serious misdemeanor for the first offense, ~~be guilty~~
12 ~~of an.~~

13 b. An aggravated misdemeanor for the second offense, ~~and be~~
14 ~~guilty of a.~~

15 c. A class "D" felony for a third offense.

16 Sec. 124. Section 330A.9, subsection 4, paragraph e,
17 unnumbered paragraph 2, Code 2009, is amended to read as
18 follows:

19 5. Any of the bonds issued pursuant to this chapter are, and
20 are hereby declared to be, negotiable instruments, and shall
21 have all the qualities and incidents of negotiable instruments.

22 Sec. 125. Section 331.206, subsection 2, Code 2009, is
23 amended to read as follows:

24 2. a. The plan used under subsection 1 shall be selected
25 by the board or by a special election as provided in section
26 331.207. A plan selected by the board shall remain in effect
27 for at least six years unless it is changed by a special
28 election as provided in section 331.207.

29 b. A plan selected by the board shall become effective
30 on the first day in January which is not a Sunday or holiday
31 following the next general election, at which time the terms of
32 the members expire and the terms of the members elected under
33 the requirements of the new supervisor representation plan at
34 the general election as specified in section 331.208, 331.209,
35 or 331.210 shall commence.

1 Sec. 126. Section 331.236, Code 2009, is amended to read as
2 follows:

3 **331.236 Ballot requirements.**

4 1. Unless otherwise provided, the question of adopting the
5 proposed alternative form of government shall be submitted to
6 the electors in substantially the following form:

7 Should the (charter or amendment) described below be adopted
8 for (insert name of local government)?

9 2. The ballot must contain a brief description and summary
10 of the proposed charter or amendment.

11 Sec. 127. Section 331.247, subsection 7, paragraph c, Code
12 2009, is amended to read as follows:

13 c. (1) If an election is held, the governing body shall
14 submit the question of amending the charter to the electors in
15 substantially the following form:

16 Should the amendment described below be adopted for the
17 city-county consolidated charter of (insert name of county and
18 of each consolidated city)?

19 (2) The ballot must contain a brief description and summary
20 of the proposed amendment.

21 Sec. 128. Section 331.252, Code 2009, is amended to read as
22 follows:

23 **331.252 Form of ballot — city-county consolidation.**

24 1. The question of city-county consolidation shall be
25 submitted to the electors in substantially the following form:

26 Should the charter described below be adopted for (insert
27 name of county and each city proposing to consolidate)?

28 2. The ballot must contain a brief description and summary
29 of the proposed charter.

30 Sec. 129. Section 331.255, Code 2009, is amended to read as
31 follows:

32 **331.255 Form of ballot — multicounty consolidation.**

33 1. The question of multicounty consolidation shall be
34 submitted to the electors in substantially the following form:

35 Should the consolidation charter described below be adopted

1 for (name of applicable county)?

2 2. The ballot must contain a brief description and summary
3 of the proposed charter.

4 Sec. 130. Section 331.262, subsections 1 and 9, Code 2009,
5 are amended to read as follows:

6 1. a. As a political subdivision of the state, the
7 community commonwealth unit of local government shall have the
8 statutory and constitutional status of a county and of a city
9 to the extent the community commonwealth governing body assumes
10 the powers and duties of cities as those powers and duties
11 relate to the delivery of services. For each service provided
12 by the community commonwealth, the community commonwealth shall
13 assume the same statutory rights, powers, and duties relating
14 to the provision of the service as if the member city were
15 itself providing the service to its citizens.

16 b. On its effective date, the community commonwealth
17 charter operates to replace the existing county government
18 structure. The governments of participating cities shall
19 remain in existence to render those services not transferred to
20 the community commonwealth government.

21 9. a. A city or county wishing to terminate its membership
22 in the community commonwealth government must do so pursuant to
23 the existing charter procedure under this chapter or chapter
24 372, whichever is applicable.

25 b. A city or county may join an existing community
26 commonwealth government by resolution of the board or council,
27 whichever is applicable, or upon petition of eligible electors
28 of the city or county, whichever is applicable, equal in number
29 to at least twenty-five percent of the persons who voted at the
30 last general election for the office of governor or president
31 of the United States, whichever is fewer. Within fifteen days
32 after receiving a valid petition, the applicable governing
33 body shall adopt a resolution in favor of participation and
34 shall immediately forward the resolution to the governing
35 body of the community commonwealth. If a majority of the

1 community commonwealth governing body approves the resolution,
2 the question of joining the community commonwealth shall be
3 submitted to the electorate of the petitioning city or county
4 within sixty days after approval of the resolution.

5 Sec. 131. Section 331.301, subsection 10, paragraph e,
6 subparagraph (1), Code Supplement 2009, is amended to read as
7 follows:

8 (1) (a) The board must follow substantially the
9 authorization procedures of section 331.443 to authorize
10 a lease or lease-purchase contract for personal property
11 which is payable from the general fund. The board must
12 follow substantially the authorization procedures of section
13 331.443 to authorize a lease or lease-purchase contract for
14 real property which is payable from the general fund if the
15 principal amount of the lease-purchase contract does not exceed
16 the following limits:

17 {a} (i) Four hundred thousand dollars in a county having a
18 population of twenty-five thousand or less.

19 {b} (ii) Five hundred thousand dollars in a county having a
20 population of more than twenty-five thousand but not more than
21 fifty thousand.

22 {c} (iii) Six hundred thousand dollars in a county having
23 a population of more than fifty thousand but not more than one
24 hundred thousand.

25 {d} (iv) Eight hundred thousand dollars in a county having
26 a population of more than one hundred thousand but not more
27 than two hundred thousand.

28 {e} (v) One million dollars in a county having a population
29 of more than two hundred thousand.

30 (b) However, if the principal amount of a lease or
31 lease-purchase contract pursuant to this subparagraph (1) is
32 less than twenty-five thousand dollars, the board may authorize
33 the lease or lease-purchase contract without following the
34 authorization procedures of section 331.443.

35 Sec. 132. Section 331.301, subsection 10, paragraph e,

1 subparagraph (2), subparagraph division (b), Code Supplement
2 2009, is amended to read as follows:

3 (b) (i) If at any time before the end of the thirty-day
4 period after which a meeting may be held to take action to
5 enter into the lease or lease-purchase contract, a petition
6 is filed with the auditor in the manner provided by section
7 331.306, asking that the question of entering into the lease or
8 lease-purchase contract be submitted to the registered voters
9 of the county, the board shall either by resolution declare the
10 proposal to enter into the lease or lease-purchase contract to
11 have been abandoned or shall direct the county commissioner
12 of elections to call a special election upon the question of
13 entering into the lease or lease-purchase contract. However,
14 for purposes of this subparagraph (2), the petition shall not
15 require signatures in excess of one thousand persons.

16 (ii) The question to be placed on the ballot shall be stated
17 affirmatively in substantially the following manner:

18 Shall the county of enter into a lease or
19 lease-purchase contract in an amount of \$ for
20 the purpose of?

21 (iii) Notice of the election and its conduct shall be in the
22 manner provided in section 331.442, subsections 2 through 4.

23 Sec. 133. Section 331.307, subsections 9 through 12, Code
24 2009, are amended to read as follows:

25 9. a. When judgment has been entered against a defendant,
26 the court may do any of the following:

27 ~~a.~~ (1) Impose a civil penalty by entry of a personal
28 judgment against the defendant.

29 ~~b.~~ (2) Direct that payment of the civil penalty be
30 suspended or deferred under conditions imposed by the court.

31 ~~c.~~ (3) Grant appropriate alternative relief ordering the
32 defendant to abate or cease the violation.

33 ~~d.~~ (4) Authorize the county to abate or correct the
34 violation.

35 ~~e.~~ (5) Order that the county's costs for abatement or

1 correction of the violation be entered as a personal judgment
2 against the defendant or assessed against the property where
3 the violation occurred, or both.

4 b. If a defendant willfully violates the terms of an order
5 imposed by the court, the failure is contempt.

6 10. The magistrate or district associate judge shall have
7 jurisdiction to assess or enter judgment for costs of abatement
8 or correction in an amount not to exceed the jurisdictional
9 amount for a money judgment in a civil action pursuant to
10 section 631.1, subsection 1, for magistrates and section
11 602.6306, subsection 2, for district associate judges. If the
12 county seeks abatement or correction costs in excess of those
13 amounts, the case shall be referred to the district court for
14 hearing and entry of an appropriate order. The procedure for
15 hearing in the district court shall be the same procedure as
16 that for a small claims appeal pursuant to section 631.13.

17 ~~10.~~ 11. A defendant or the county may file a motion for
18 a new trial or may appeal the decision of the magistrate or
19 district associate judge to the district court. The procedure
20 on appeal shall be the same as for a small claim pursuant to
21 section 631.13. A factual determination made by the trial
22 court, supported by substantial evidence as shown in the
23 record, is binding for purposes of appeal relating to the
24 violation at issue, but shall not be admissible or binding
25 as to any future violation for the same or similar ordinance
26 provision by the same defendant.

27 ~~11.~~ 12. This section does not preclude a peace officer
28 of a county from issuing a criminal citation for a violation
29 of a county code or regulation if criminal penalties are also
30 provided for the violation. Each day that a violation occurs
31 or is permitted by the defendant to exist, constitutes a
32 separate offense.

33 ~~12.~~ 13. The issuance of a civil citation for a county
34 infraction or the ensuing court proceedings do not provide
35 an action for false arrest, false imprisonment, or malicious

1 prosecution.

2 Sec. 134. Section 331.342, Code 2009, is amended to read as
3 follows:

4 **331.342 Conflicts of interest in public contracts.**

5 1. As used in this section, "*contract*" means a claim,
6 account, or demand against or agreement with a county, express
7 or implied, other than a contract to serve as an officer or
8 employee of the county. However, contracts subject to section
9 314.2 are not subject to this section.

10 2. An officer or employee of a county shall not have an
11 interest, direct or indirect, in a contract with that county.
12 A contract entered into in violation of this section is void.
13 The provisions of this section do not apply to:

14 ~~1-~~ a. The designation of a bank or trust company as a
15 depository, paying agent, or for investment of funds.

16 ~~2-~~ b. An employee of a bank or trust company, who serves as
17 treasurer of a county.

18 ~~3-~~ c. Contracts made by a county upon competitive bid in
19 writing, publicly invited and opened.

20 ~~4-~~ d. Contracts in which a county officer or employee
21 has an interest solely by reason of employment, or a stock
22 interest of the kind described in ~~subsection 8~~ paragraph "h", or
23 both, if the contracts are made by competitive bid, publicly
24 invited and opened, or if the remuneration of employment will
25 not be directly affected as a result of the contract and the
26 duties of employment do not directly involve the procurement or
27 preparation of any part of the contract. The competitive bid
28 qualification of this ~~subsection~~ paragraph does not apply to
29 a contract for professional services not customarily awarded
30 by competitive bid.

31 ~~5-~~ e. The designation of official newspapers.

32 ~~6-~~ f. A contract in which a county officer or employee
33 has an interest if the contract was made before the time the
34 officer or employee was elected or appointed, but the contract
35 shall not be renewed.

1 ~~7.~~ g. A contract with volunteer fire fighters or civil
2 defense volunteers.

3 ~~8.~~ h. A contract with a corporation in which a county
4 officer or employee has an interest by reason of stockholdings
5 when less than five percent of the outstanding stock of the
6 corporation is owned or controlled directly or indirectly by
7 the officer or employee or the spouse or immediate family of
8 the officer or employee.

9 ~~9.~~ i. A contract made by competitive bid, publicly
10 invited and opened, in which a member of a county board,
11 commission, or administrative agency has an interest, if
12 the member is not authorized by law to participate in the
13 awarding of the contract. The competitive bid qualification
14 of this ~~subsection~~ paragraph does not apply to a contract for
15 professional services not customarily awarded by competitive
16 bid.

17 ~~10.~~ j. Contracts not otherwise permitted by this section,
18 for the purchase of goods or services by a county, which
19 benefit a county officer or employee, if the purchases
20 benefiting that officer or employee do not exceed a cumulative
21 total purchase price of one thousand five hundred dollars in
22 a fiscal year.

23 ~~11.~~ k. A contract that is a bond, note, or other obligation
24 of the county and the contract is not acquired directly
25 from the county, but is acquired in a transaction with a
26 third party, who may or may not be the original underwriter,
27 purchaser, or obligee of the contract.

28 Sec. 135. Section 331.402, subsection 3, paragraph d,
29 subparagraph (2), subparagraph division (b), Code Supplement
30 2009, is amended to read as follows:

31 (b) (i) If at any time before the end of the thirty-day
32 period after which a meeting may be held to take action to
33 enter into the loan agreement, a petition is filed with the
34 auditor in the manner provided by section 331.306 asking that
35 the question of entering into the loan agreement be submitted

1 to the registered voters of the county, the board shall either
 2 by resolution declare the proposal to enter into the loan
 3 agreement to have been abandoned or shall direct the county
 4 commissioner of elections to call a special election upon the
 5 question of entering into the loan agreement. However, for
 6 purposes of this subparagraph (2), the petition shall not
 7 require signatures in excess of one thousand persons.

8 (ii) The question to be placed on the ballot shall be stated
 9 affirmatively in substantially the following manner:

10 Shall the county of enter into a
 11 loan agreement in amount of \$ for the purpose of
 12?

13 (iii) Notice of the election and its conduct shall be in the
 14 manner provided in section 331.442, subsections 2 through 4.

15 Sec. 136. Section 331.424, subsection 1, Code 2009, is
 16 amended to read as follows:

17 1. a. For general county services, an amount sufficient to
 18 pay the charges for the following:

19 ~~a.~~ (1) To the extent that the county is obligated by
 20 statute to pay the charges for:

21 ~~{1}~~ (a) The costs of inpatient or outpatient substance
 22 abuse admission, commitment, transportation, care, and
 23 treatment at any of the following:

24 ~~{a}~~ (i) The alcoholic treatment center at Oakdale.
 25 However, the county may require that an admission to the center
 26 shall be reported to the board by the center within five
 27 days as a condition of the payment of county funds for that
 28 admission.

29 ~~{b}~~ (ii) A state mental health institute, or a
 30 community-based public or private facility or service.

31 ~~{2}~~ (b) Care of children admitted or committed to the Iowa
 32 juvenile home at Toledo.

33 ~~{3}~~ (c) Clothing, transportation, medical, or other
 34 services provided persons attending the Iowa braille and sight
 35 saving school, the Iowa school for the deaf, or the university

1 of Iowa hospitals and clinics' center for disabilities and
2 development for children with severe disabilities at Iowa City,
3 for which the county becomes obligated to pay pursuant to
4 sections 263.12, 269.2, and 270.4 through 270.7.

5 ~~b.~~ (2) Foster care and related services provided under
6 court order to a child who is under the jurisdiction of the
7 juvenile court, including court-ordered costs for a guardian
8 ad litem under section 232.71C.

9 ~~c.~~ (3) Elections, and voter registration pursuant to
10 chapter 48A.

11 ~~d.~~ (4) Employee benefits under chapters 96, 97B, and 97C,
12 which are associated with salaries for general county services.

13 ~~e.~~ (5) Joint county and city building authorities
14 established under section 346.27, as provided in subsection 22
15 of that section.

16 ~~f.~~ (6) Tort liability insurance, property insurance, and
17 any other insurance that may be necessary in the operation of
18 the county, costs of a self-insurance program, costs of a local
19 government risk pool, and amounts payable under any insurance
20 agreements to provide or procure such insurance, self-insurance
21 program, or local government risk pool.

22 ~~g.~~ (7) The maintenance and operation of the courts,
23 including but not limited to the salary and expenses of the
24 clerk of the district court and other employees of the clerk's
25 office, and bailiffs, court costs if the prosecution fails or
26 if the costs cannot be collected from the person liable, costs
27 and expenses of prosecution under section 189A.17, salaries
28 and expenses of juvenile court officers under chapter 602,
29 court-ordered costs in domestic abuse cases under section
30 236.5, the county's expense for confinement of prisoners under
31 chapter 356A, temporary assistance to the county attorney,
32 county contributions to a retirement system for bailiffs,
33 reimbursement for judicial magistrates under section 602.6501,
34 claims filed under section 622.93, interpreters' fees under
35 section 622B.7, uniform citation and complaint supplies under

1 section 805.6, and costs of prosecution under section 815.13.

2 ~~h.~~ (8) Court-ordered costs of conciliation procedures under
3 section 598.16.

4 ~~i.~~ (9) Establishment and maintenance of a joint county
5 indigent defense fund pursuant to an agreement under section
6 28E.19.

7 ~~j.~~ (10) The maintenance and operation of a local emergency
8 management agency established pursuant to chapter 29C.

9 b. The board may require a public or private facility, as a
10 condition of receiving payment from county funds for services
11 it has provided, to furnish the board with a statement of the
12 income, assets, and legal residence including township and
13 county of each person who has received services from that
14 facility for which payment has been made from county funds
15 under paragraphs ~~"a"~~ and ~~"b"~~ paragraph "a", subparagraphs (1)
16 and (2). However, the facility shall not disclose to anyone
17 the name or street or route address of a person receiving
18 services for which commitment is not required, without first
19 obtaining that person's written permission.

20 c. Parents or other persons may voluntarily reimburse the
21 county or state for the reasonable cost of caring for a patient
22 or an inmate in a county or state facility.

23 Sec. 137. Section 331.605, Code 2009, is amended to read as
24 follows:

25 **331.605 Other fees.**

26 1. The recorder shall collect:

27 ~~1.~~ a. For the issuance of a registration or transfer for
28 a vessel or boat:

29 ~~a.~~ (1) A registration fee as provided in section 462A.5.

30 ~~b.~~ (2) A writing fee as provided in section 462A.53.

31 ~~c.~~ (3) A transfer and writing fee as provided in section
32 462A.44.

33 ~~2.~~ b. For issuance of hunting, fishing, and fur harvester
34 licenses:

35 ~~a.~~ (1) The fees specified in section 483A.1.

1 ~~b.~~ (2) The writing fee as provided in section 483A.12.
2 ~~3.~~ c. A state migratory game bird fee as provided in
3 section 483A.1.
4 ~~4.~~ d. For the issuance of snowmobile registrations and user
5 permits, the fees specified in sections 321G.4 and 321G.4A.
6 ~~5.~~ e. For the issuance of all-terrain vehicle registrations
7 and user permits, the fees specified in sections 321I.4 and
8 321I.5.
9 ~~6.~~ f. A county fee of four dollars for a certified copy of
10 a birth record, death record, or marriage certificate.
11 ~~7.~~ g. For filing an application for the license to marry,
12 thirty-five dollars, which includes payment for one certified
13 copy of the original certificate of marriage, to be issued
14 following filing of the original certificate of marriage, four
15 dollars of which shall be retained by the county pursuant to
16 ~~subsection 6~~ paragraph "f". For issuing an application for an
17 order of the district court authorizing the validation of a
18 license to marry before the expiration of three days from the
19 date of issuance of the license, five dollars. The district
20 court shall authorize the early validation of a marriage
21 license without the payment of any fees imposed in this
22 ~~subsection~~ paragraph upon showing that the applicant is unable
23 to pay the fees.
24 ~~8.~~ h. Other fees as provided by law.
25 2. However, the county shall not be required to pay the fees
26 required in this section.
27 Sec. 138. Section 331.651, Code 2009, is amended to read as
28 follows:
29 **331.651 Office of county sheriff.**
30 1. The office of sheriff is an elective office. However,
31 if a vacancy occurs in the office, the first deputy shall
32 assume the office after qualifying as provided in this
33 section. The first deputy shall hold the office until a
34 successor is appointed or elected to the unexpired term as
35 provided in chapter 69. If a sheriff is suspended from office,

1 the district court may appoint a sheriff until a temporary
2 appointment is made by the board as provided in section 66.19.

3 2. A person elected or appointed sheriff shall meet all the
4 following qualifications:

5 *a.* Have no felony convictions.

6 *b.* Be age twenty-one or over at the time of assuming the
7 office of sheriff.

8 *c.* Be a certified peace officer recognized by the Iowa law
9 enforcement academy council under chapter 80B or complete the
10 basic training course provided at the Iowa law enforcement
11 academy's central training facility or a location other than
12 the central training facility within one year of taking office.
13 A person shall be deemed to have completed the basic training
14 course if the person meets all course requirements except the
15 physical training requirements.

16 ~~2.~~ 3. A person elected or appointed to the office of
17 sheriff shall qualify by taking the oath of office as provided
18 in section 63.10 and give bond as provided in section 64.8.

19 ~~3.~~ 4. The term of office of the sheriff is four years.

20 Sec. 139. Section 336.2, Code 2009, is amended to read as
21 follows:

22 **336.2 Library districts formed.**

23 1. A library district may be established composed of one or
24 more counties, one or more cities, or any combination of cities
25 and counties.

26 2. *a.* Eligible electors residing within the proposed
27 district in a number not less than five percent of those voting
28 for president of the United States or governor, as the case
29 may be, within the district at the last general election may
30 petition the board of supervisors of the county, or the city
31 council, for the establishment of the library district. The
32 petition shall clearly designate the area to be included in the
33 district.

34 *b.* The board of supervisors of each county and the city
35 council of each city containing area within the proposed

1 district shall submit the question to the registered voters
2 within their respective counties and cities at the next general
3 election. The petition shall be filed not less than eighty-two
4 days before the election.

5 3. a. A library district shall be established if a majority
6 of the electors voting on the question and residing in the
7 proposed library district favor its establishment.

8 b. The result of the election within cities maintaining a
9 free public library shall be considered separately, and no city
10 shall be included within the library district unless a majority
11 of its electors voting on the question favor its inclusion. In
12 such cases the boundaries of an established district may vary
13 from those of the proposed district.

14 4. After the establishment of a library district other areas
15 may be included by mutual agreement of the board of trustees of
16 the library district and the governing body of the area sought
17 to be included.

18 Sec. 140. Section 336.16, Code 2009, is amended to read as
19 follows:

20 **336.16 Withdrawal from district — termination.**

21 1. a. (1) A city may withdraw from the library district
22 upon a majority vote in favor of withdrawal by the electorate
23 of the city in an election held on a motion by the city council.
24 The election shall be held simultaneously with a general or
25 city election. Notice of a favorable vote to withdraw shall
26 be sent by certified mail to the board of library trustees of
27 the library district and the county auditor or city clerk, as
28 appropriate, prior to January 10, and the withdrawal shall be
29 effective on July 1.

30 (2) A county may withdraw from the district after a majority
31 of the voters of the unincorporated area of the county voting
32 on the issue favor the withdrawal. The board of supervisors
33 shall call for the election which shall be held at the next
34 general election.

35 b. A city or county election shall not be called until a

1 hearing has been held on the proposal to submit a proposition
 2 of withdrawal to an election. A hearing may be held only after
 3 public notice published as provided in section 362.3 in the
 4 case of a city or section 331.305 in the case of a county. A
 5 copy of the notice submitted for publication shall be mailed to
 6 the library on or before the date of publication. The proposal
 7 presented at the hearing must include a plan for continuing
 8 adequate library service with or without all participants and
 9 the respective allocated costs and levels of service shall
 10 be stated. At the hearing, any interested person shall be
 11 given a reasonable time to be heard, either for or against the
 12 withdrawal or the plan to accompany it.

13 2. A library district may be terminated if a majority of
 14 the electors of the unincorporated area of the county and the
 15 cities included in the library district voting on the issue
 16 favor the termination. The election shall be held upon motion
 17 of the board of supervisors and simultaneously with a general
 18 or other county election. If the vote favors termination, the
 19 termination shall be effective on the succeeding July 1.

20 3. An election for withdrawal from or termination of a
 21 library district shall not be held more than once each four
 22 years.

23 Sec. 141. Section 352.3, subsections 1 and 4, Code 2009, are
 24 amended to read as follows:

25 1. a. In each county a county land preservation and use
 26 commission is created composed of the following members:

27 ~~a.~~ (1) One member appointed by and from the county
 28 agricultural extension council.

29 ~~b.~~ (2) Two members appointed by the district soil and water
 30 conservation commissioners, one of whom must be a member of the
 31 district soil and water conservation board of commissioners and
 32 one must be a person who is not a commissioner, but is actively
 33 operating a farm in the county.

34 ~~c.~~ (3) One member appointed by the board of supervisors
 35 from the residents of the county who may be a member of the

1 board.

2 ~~d.~~ (4) One member appointed by and from a convention of the
3 mayors and councilpersons of the cities of the county. If a
4 participating city contains fifty percent or more of the total
5 population of the participating cities, that city may appoint
6 the member appointed under this paragraph.

7 b. However, if a city contains more than fifty percent of
8 the population of a county which has a population exceeding
9 fifty thousand persons, that city shall not participate
10 in the convention of mayors and councilpersons and the
11 members appointed under paragraph ~~"d"~~ "a", subparagraph
12 (4), shall be one member appointed by and from the mayor and
13 councilpersons of that city and one member appointed by and
14 from the convention of mayors and councilpersons and the member
15 appointed under paragraph ~~"e"~~ (a), subparagraph (3), shall be
16 a resident of the county engaged in actual farming operations
17 appointed by the board of supervisors.

18 4. A vacancy in the county commission shall be filled
19 in the same manner as the appointment of the member whose
20 position is vacant. The term of a county commissioner is
21 four years. However, in the initial appointments to the
22 county commission, the members appointed under subsection 1,
23 ~~paragraphs~~ paragraph "a", subparagraphs (1) and ~~"b"~~ (2) shall
24 be appointed to terms of two years. Members may be appointed
25 to succeed themselves.

26 Sec. 142. Section 352.6, Code 2009, is amended to read as
27 follows:

28 **352.6 Creation or expansion of agricultural areas.**

29 1. An owner of farmland may submit a proposal to the county
30 board for the creation or expansion of an agricultural area
31 within the county. An agricultural area, at its creation,
32 shall include at least three hundred acres of farmland;
33 however, a smaller area may be created if the farmland
34 is adjacent to farmland subject to an agricultural land
35 preservation ordinance pursuant to section 335.27 or adjacent

1 to land located within an existing agricultural area. The
2 proposal shall include a description of the proposed area to be
3 created or expanded, including its boundaries. The territory
4 shall be as compact and as nearly adjacent as feasible. Land
5 shall not be included in an agricultural area without the
6 consent of the owner. Agricultural areas shall not exist
7 within the corporate limits of a city. The county board may
8 consult with the department of natural resources when creating
9 or expanding an agricultural area contiguous to a location
10 which is under the direct supervision of the department,
11 including a state park, state preserve, state recreation area,
12 or sovereign lake. Agricultural areas may be created in a
13 county which has adopted zoning ordinances. Except as provided
14 in this section, the use of the land in agricultural areas is
15 limited to farm operations.

16 ~~1.~~ 2. The following shall be permitted in an agricultural
17 area:

18 *a.* Residences constructed for occupation by a person engaged
19 in farming or in a family farm operation. Nonconforming
20 preexisting residences may be continued in residential use.

21 *b.* Property of a telephone company, city utility as defined
22 in section 390.1, public utility as defined in section 476.1,
23 or pipeline company as defined in section 479.2.

24 ~~2.~~ 3. The county board of supervisors may permit any use
25 not listed in subsection ~~1~~ 2 in an agricultural area only if it
26 finds all of the following:

27 *a.* The use is not inconsistent with the purposes set forth
28 in section 352.1.

29 *b.* The use does not interfere seriously with farm operations
30 within the area.

31 *c.* The use does not materially alter the stability of the
32 overall land use pattern in the area.

33 Sec. 143. Section 354.11, Code 2009, is amended to read as
34 follows:

35 **354.11 Attachments to subdivision plats.**

1 1. A subdivision plat, other than an auditor's plat, that
2 is presented to the recorder for recording shall conform to
3 section 354.6 and shall not be accepted for recording unless
4 accompanied by the following documents:

5 ~~1.~~ a. A statement by the proprietors and their spouses, if
6 any, that the plat is prepared with their free consent and in
7 accordance with their desire, signed and acknowledged before an
8 officer authorized to take the acknowledgment of deeds. The
9 statement by the proprietors may also include a dedication to
10 the public of all lands within the plat that are designated for
11 streets, alleys, parks, open areas, school property, or other
12 public use, if the dedication is approved by the governing
13 body.

14 ~~2.~~ b. A statement from the mortgage holders or lienholders,
15 if any, that the plat is prepared with their free consent and
16 in accordance with their desire, signed and acknowledged before
17 an officer authorized to take the acknowledgment of deeds. An
18 affidavit and bond as provided for in section 354.12, may be
19 recorded in lieu of the consent of the mortgage or lienholder.
20 When a mortgage or lienholder consents to the subdivision, a
21 release of mortgage or lien shall be recorded for any areas
22 conveyed to the governing body or dedicated to the public.

23 ~~3.~~ c. An opinion by an attorney at law who has examined the
24 abstract of title of the land being platted. The opinion shall
25 state the names of the proprietors and holders of mortgages,
26 liens, or other encumbrances on the land being platted and
27 shall note the encumbrances, along with any bonds securing the
28 encumbrances. Utility easements shall not be construed to be
29 encumbrances for the purpose of this section.

30 ~~4.~~ d. A certified resolution by each governing body as
31 required by section 354.8 either approving the subdivision or
32 waiving the right to review.

33 ~~5.~~ e. A statement by the auditor approving the name or
34 title of the subdivision plat.

35 ~~6.~~ f. A certificate of the treasurer that the land is free

1 from certified taxes and certified special assessments or that
2 the land is free from certified taxes and that the certified
3 special assessments are secured by bond in compliance with
4 section 354.12.

5 2. A subdivision plat which includes no land set apart
6 for streets, alleys, parks, open areas, school property, or
7 public use other than utility easements, shall be accompanied
8 by the documents listed in ~~subsections~~ subsection 1, 2, 3,
9 4, paragraphs "a", "b", "c", "d", and 5 "e" and a certificate of
10 the treasurer that the land is free from certified taxes other
11 than certified special assessments.

12 Sec. 144. Section 357C.13, Code 2009, is amended to read as
13 follows:

14 **357C.13 Determination of fee.**

15 1. The owner of any property joining an established
16 benefited street lighting district shall pay to the board of
17 trustees of the district an initial fee to be computed as
18 follows:

19 ~~1.~~ a. The board of trustees shall first determine fair
20 market value of all property and improvements owned by the
21 benefited street lighting district, less any indebtedness.

22 ~~2.~~ b. The board shall then determine the assessed value of
23 all property in said district. This shall be divided into the
24 value determined in ~~subsection 1 of this section~~ paragraph "a".

25 ~~3.~~ c. The board shall determine the assessed value of the
26 property of each landowner joining the established district.

27 ~~4.~~ d. The result obtained in ~~subsection 2~~ paragraph
28 "b" shall be multiplied by the result obtained in ~~subsection~~
29 3 paragraph "c". The result shall be the initial fee to be
30 charged each landowner.

31 2. The initial fees paid to the district trustees shall be
32 used to help defray the cost and maintenance of the district's
33 street lighting service.

34 Sec. 145. Section 358.2, Code 2009, is amended to read as
35 follows:

1 **358.2 Petition — deposit.**

2 1. Any twenty-five or more eligible electors resident
3 within the limits of any proposed sanitary district may file
4 a petition in the office of the county auditor of the county
5 in which the proposed sanitary district, or the major portion
6 thereof, is located, requesting that there be submitted to
7 the registered voters of such proposed district the question
8 whether the territory within the boundaries of such proposed
9 district shall be organized as a sanitary district under this
10 chapter. Such petition shall be addressed to the board of
11 supervisors of the county wherein it is filed and shall set
12 forth:

13 ~~1.~~ a. An intelligible description of the boundaries of the
14 territory to be embraced in such district.

15 ~~2.~~ b. The name of such proposed sanitary district.

16 ~~3.~~ c. That the public health, comfort, convenience, or
17 welfare will be promoted by the establishment of such sanitary
18 district.

19 ~~4.~~ d. The signatures of the petitioners.

20 2. No territory shall be included within more than one
21 sanitary district organized under this chapter, and if any
22 proposed sanitary district shall fail to receive a majority of
23 votes cast at any election thereon as hereinafter provided, no
24 petition shall be filed for establishment of such a sanitary
25 district within one year from the date of such previous
26 election.

27 3. a. There shall be filed with the petition a bond with
28 sureties approved by the auditor, or a certified check, credit
29 union certified share draft or cash in an amount sufficient
30 for the payment of all costs and expenses incurred in the
31 proceedings if the district is not finally established.

32 b. No preliminary expense shall be incurred before the
33 establishment of the proposed sanitary district by the board in
34 excess of the amount of bond filed by the petitioners. In case
35 it is necessary to incur any expense in addition to the amount

1 of the bond, the board of supervisors shall require the filing
2 of an additional security until the additional bond is filed in
3 sufficient amount to cover the expense.

4 Sec. 146. Section 358.7, Code 2009, is amended to read as
5 follows:

6 **358.7 Election.**

7 1. Each registered voter resident within such proposed
8 sanitary district shall have the right to cast a ballot at such
9 election and no person shall vote in any precinct but that of
10 the person's residence. Ballots at such election shall be in
11 substantially the following form, to wit:

12 For Sanitary District ☐

13 Against Sanitary District ☐

14 2. The board of supervisors shall cause a statement of
15 the result of such election to be spread upon the records of
16 the county auditor. If a majority of the votes cast upon the
17 question of incorporation of the proposed sanitary district
18 shall be in favor of the proposed sanitary district, such
19 proposed sanitary district shall thenceforth be deemed an
20 organized sanitary district under this chapter and established
21 as conducive to the public health, comfort, convenience, and
22 welfare.

23 Sec. 147. Section 360.9, Code 2009, is amended to read as
24 follows:

25 **360.9 Reversion of real estate — payment.**

26 1. a. Any real estate, including improvements thereon,
27 situated wholly outside of a city, owned by a township and
28 heretofore used for township purposes and which is no longer
29 necessary for township purposes, shall revert to the present
30 owner of the tract from which the same was taken, provided that
31 said owner of the tract last aforesaid shall, within the time
32 hereinafter prescribed, pay the value thereof to the township
33 clerk. In the event the township trustees and said owner of
34 the tract from which such real property was taken do not agree
35 as to the value of such property and improvements thereon,

1 the township clerk shall, on written application of either
2 party, appoint three disinterested residents of the township to
3 appraise such property and improvements thereon.

4 b. The township clerk shall give notice to said trustees and
5 said owner of the time and place of making such appraisement,
6 which notice shall be served in the same manner and for the
7 same time as for the commencement of action in the district
8 court. Such appraisers shall inspect the real estate and
9 improvements and, at the time and place designated in the
10 notice, appraise the same in writing, which appraisement, after
11 being duly verified, shall be filed with the township clerk.

12 c. If the present owner of the tract from which said site
13 was taken fails to pay the amount of such appraisement to
14 such township within twenty days after the filing of same
15 with the township clerk, the township trustees may sell said
16 site, including any improvements thereon, to any person at the
17 appraised value, or may sell the same at public auction for the
18 best bid.

19 2. Any real estate, including improvements thereon,
20 situated within a city, owned by a township and heretofore
21 used for township purposes and which is no longer necessary
22 for township purposes, may be sold by the township trustees at
23 public auction for the best bid.

24 3. The township trustees in the case of joint ownership,
25 in conjunction with any city authorities, shall not sell such
26 real estate including improvements thereon unless the city
27 authorities concur in such sale. The proceeds of such sale
28 of jointly owned real estate including improvements located
29 thereon shall be prorated between the township and the city on
30 the basis of their respective contribution to the acquisition
31 and maintenance of such property.

32 4. a. Sales at public auction contemplated herein shall be
33 made only after the township trustees advertise for bids for
34 such property. Such advertisement shall definitely describe
35 said property and be published by at least one insertion each

1 week for two consecutive weeks in some newspaper having general circulation in the township.

3 b. The township trustee shall not, prior to two weeks after
4 the said second publication, nor later than six months after
5 said second publication, accept any bid. The township trustees
6 may accept only the best bid received prior to acceptance. The
7 township trustees may decline to sell if all the bids received
8 are deemed inadequate.

9 5. Subject to the right of reversion to the present
10 owner as above provided, the township trustees may sell,
11 lease, exchange, give, or grant and accept any interest
12 in real property to, with, or from any county, municipal
13 corporation, or school district if the real property is within
14 the jurisdiction of both the grantor and grantee and the
15 advertising and public auction requirements of this section
16 shall not apply to any such transaction between the aforesaid
17 local units of government.

18 Sec. 148. Section 362.5, Code 2009, is amended to read as
19 follows:

20 **362.5 Interest in public contract prohibited — exceptions.**

21 1. When used in this section, "*contract*" means any claim,
22 account, or demand against or agreement with a city, express
23 or implied.

24 2. A city officer or employee shall not have an interest,
25 direct or indirect, in any contract or job of work or material
26 or the profits thereof or services to be furnished or performed
27 for the officer's or employee's city. A contract entered into
28 in violation of this section is void.

29 3. The provisions of this section do not apply to:

30 ~~1-~~ a. The payment of lawful compensation of a city officer
31 or employee holding more than one city office or position, the
32 holding of which is not incompatible with another public office
33 or is not prohibited by law.

34 ~~2-~~ b. The designation of a bank or trust company as a
35 depository, paying agent, or for investment of funds.

- 1 ~~3.~~ c. An employee of a bank or trust company, who serves
2 as treasurer of a city.
- 3 ~~4.~~ d. Contracts made by a city, upon competitive bid in
4 writing, publicly invited and opened.
- 5 ~~5.~~ e. Contracts in which a city officer or employee has an
6 interest solely by reason of employment, or a stock interest of
7 the kind described in ~~subsection 9~~ paragraph "i", or both, if
8 the contracts are made by competitive bid in writing, publicly
9 invited and opened, or if the remuneration of employment will
10 not be directly affected as a result of the contract and the
11 duties of employment do not directly involve the procurement or
12 preparation of any part of the contract. The competitive bid
13 qualification of this ~~subsection~~ paragraph does not apply to
14 a contract for professional services not customarily awarded
15 by competitive bid.
- 16 ~~6.~~ f. The designation of an official newspaper.
- 17 ~~7.~~ g. A contract in which a city officer or employee has an
18 interest if the contract was made before the time the officer
19 or employee was elected or appointed, but the contract may not
20 be renewed.
- 21 ~~8.~~ h. Contracts with volunteer fire fighters or civil
22 defense volunteers.
- 23 ~~9.~~ i. A contract with a corporation in which a city
24 officer or employee has an interest by reason of stockholdings
25 when less than five percent of the outstanding stock of the
26 corporation is owned or controlled directly or indirectly by
27 the officer or employee or the spouse or immediate family of
28 such officer or employee.
- 29 ~~10.~~ j. Contracts not otherwise permitted by this section,
30 for the purchase of goods or services by a city having a
31 population of more than two thousand five hundred, which
32 benefit a city officer or employee, if the purchases benefiting
33 that officer or employee do not exceed a cumulative total
34 purchase price of one thousand five hundred dollars in a fiscal
35 year.

1 ~~11.~~ k. Contracts not otherwise permitted by this section
2 for the purchase of goods or services by a city having a
3 population of two thousand five hundred or less, which benefit
4 a city officer or employee, if the purchases benefiting that
5 officer or employee do not exceed a cumulative total purchase
6 price of two thousand five hundred dollars in a fiscal year.

7 ~~12.~~ l. Franchise agreements between a city and a utility
8 and contracts entered into by a city for the provision of
9 essential city utility services.

10 ~~13.~~ m. A contract that is a bond, note, or other obligation
11 of the city and the contract is not acquired directly from
12 the city, but is acquired in a transaction with a third party
13 who may or may not be the original underwriter, purchaser, or
14 obligee of the contract.

15 Sec. 149. Section 368.20, Code 2009, is amended to read as
16 follows:

17 **368.20 Procedure after approval.**

18 1. After the county commissioner of elections has certified
19 the results to the board, the board shall:

20 ~~1.~~ a. Serve and publish notice of the result as provided
21 in section 362.3.

22 ~~2.~~ b. File with the secretary of state and the clerk of
23 each city incorporated or involved in a boundary adjustment,
24 and record with the recorder of each county which contains
25 a portion of any city or territory involved, copies of the
26 proceedings including the original petition or plan and any
27 amendments, the order of the board approving the petition or
28 plan, proofs of service and publication of required notices,
29 certification of the election result, and any other material
30 deemed by the board to be of primary importance to the
31 proceedings.

32 2. Upon proper filing and expiration of time for appeal,
33 the incorporation, discontinuance, or boundary adjustment is
34 complete. However, if an appeal to any of the proceedings
35 is pending, completion does not occur until the appeal is

1 decided, unless a subsequent date is provided in the proposal.
2 The board shall also file with the state department of
3 transportation a copy of the map and legal land description of
4 each completed incorporation or corporate boundary adjustment
5 completed under sections 368.11 through 368.22 or approved
6 annexation within an urbanized area.

7 Sec. 150. Section 368.22, Code 2009, is amended to read as
8 follows:

9 **368.22 Appeal.**

10 1. a. A city, or a resident or property owner in the
11 territory or city involved may appeal a decision of the board
12 or a committee, or the legality of an election, to the district
13 court of a county which contains a portion of any city or
14 territory involved.

15 b. Appeal must be filed within thirty days of the filing
16 of a decision or the publication of notice of the result of an
17 election.

18 c. Appeal of an approval of a petition or plan does not stay
19 the election.

20 2. The judicial review provisions of this section and
21 chapter 17A shall be the exclusive means by which a person or
22 party who is aggrieved or adversely affected by agency action
23 may seek judicial review of that agency action. The court's
24 review on appeal of a decision is limited to questions relating
25 to jurisdiction, regularity of proceedings, and whether the
26 decision appealed from is arbitrary, unreasonable, or without
27 substantial supporting evidence. The court may reverse and
28 remand a decision of the board or a committee, with appropriate
29 directions.

30 3. The following portions of section 17A.19 are not
31 applicable to this chapter:

32 ~~1.~~ a. The part of subsection 2 which relates to where
33 proceedings for judicial review shall be instituted.

34 ~~2.~~ b. Subsection 5.

35 ~~3.~~ c. Subsection 8.

1 ~~4.~~ d. Subsection 9.

2 ~~5.~~ e. Subsection 10.

3 ~~6.~~ f. Subsection 11.

4 Sec. 151. Section 372.5, Code 2009, is amended to read as
5 follows:

6 **372.5 Commission form.**

7 1. A city governed by the commission form has five
8 departments as follows:

9 ~~1.~~ a. Department of public affairs.

10 ~~2.~~ b. Department of accounts and finances.

11 ~~3.~~ c. Department of public safety.

12 ~~4.~~ d. Department of streets and public improvements.

13 ~~5.~~ e. Department of parks and public property.

14 2. a. A city governed by the commission form has a council
15 composed of a mayor and four council members elected at large,
16 unless the council representation plan is changed pursuant
17 to section 372.13, subsection 11. The mayor administers the
18 department of public affairs and each other council member is
19 elected to administer one of the other four departments.

20 b. However, a city governed, on July 1, 1975, by the
21 commission form and having a council composed of a mayor and
22 two council members elected at large may continue with a
23 council of three until the form of government is changed as
24 provided in section 372.2 or section 372.9 or without changing
25 the form, may submit to the voters the question of increasing
26 the council to five members assigned to the five departments as
27 set out in this section.

28 3. The mayor shall supervise the administration of all
29 departments and report to the council all matters requiring its
30 attention. The mayor is a member of the council and may vote on
31 all matters before the council.

32 4. The council member elected to administer the department
33 of accounts and finances is mayor pro tem.

34 5. The council may appoint a city treasurer or may, by
35 ordinance, provide for election of that officer.

1 Sec. 152. Section 373.7, Code 2009, is amended to read as
2 follows:

3 **373.7 Form of ballot.**

4 1. The question of metropolitan consolidation shall be
5 submitted to the electors in substantially the following form:

6 Should the cities of
7 and unite to form one joint
8 metropolitan corporation government?

9 2. The ballot must contain a brief description and summary
10 of the proposed charter or amendment.

11 Sec. 153. Section 376.8, subsection 2, Code 2009, is amended
12 to read as follows:

13 2. In a regular city election held for a city where the
14 council has chosen a runoff election in lieu of a primary,
15 candidates are elected as provided by subsection 1, except that
16 no candidate is elected who fails to receive a majority of the
17 votes cast for the office in question. In the case of at-large
18 elections to a multimember body, a majority is one vote more
19 than half the quotient found by dividing the total number of
20 votes cast for all candidates for that body by the number of
21 positions to be filled. In calculating the number of votes
22 necessary to constitute a majority, fractions shall be rounded
23 up to the next higher whole number.

24 ~~In calculating the number of votes necessary to constitute~~
25 ~~a majority, fractions shall be rounded up to the next higher~~
26 ~~whole number.~~

27 Sec. 154. Section 384.24A, subsection 4, paragraph b,
28 subparagraph (2), Code Supplement 2009, is amended to read as
29 follows:

30 (2) (a) If at any time before the end of the thirty-day
31 period after which a meeting may be held to take action to
32 enter into the loan agreement, a petition is filed with the
33 clerk of the city in the manner provided by section 362.4,
34 asking that the question of entering into the loan agreement be
35 submitted to the registered voters of the city, the governing

1 body shall either by resolution declare the proposal to
2 enter into the loan agreement to have been abandoned or shall
3 direct the county commissioner of elections to call a special
4 election upon the question of entering into the loan agreement.
5 However, for purposes of this paragraph, the petition shall not
6 require signatures in excess of one thousand persons.

7 (b) The question to be placed on the ballot shall be stated
8 affirmatively in substantially the following manner:

9 Shall the city of enter into a loan
10 agreement in amount of \$ for the purpose
11 of?

12 (c) Notice of the election and its conduct shall be in the
13 manner provided in section 384.26, subsections 2 through 4.

14 Sec. 155. Section 384.50, Code 2009, is amended to read as
15 follows:

16 **384.50 Notice of hearing.**

17 1. The clerk shall publish notice of the date, time, and
18 place of the hearing once each week for two consecutive weeks
19 in the manner provided by section 362.3, the first publication
20 of which shall be not less than ten days before the date of the
21 hearing.

22 2. The notice must be in substantially the following form:

23 NOTICE TO PROPERTY OWNERS

24 Notice is given that there is now on file for public
25 inspection in the office of the clerk of,
26 Iowa, a proposed resolution of necessity, an estimate of cost,
27 and a plat and schedule showing the amounts proposed to be
28 assessed against each lot and the valuation of each lot within
29 a district approved by the council of,
30 Iowa, for a improvement of the type(s) and
31 in the location(s) as follows:

32 The council will meet at o'clockm.,
33 on (date), at the,
34 at which time the owners of property subject to assessment for
35 the proposed improvement or any other person having an interest

1 in the matter may appear and be heard for or against the making
2 of the improvement, the boundaries of the district, the cost,
3 the assessment against any lot, or the final adoption of a
4 resolution of necessity. A property owner will be deemed to
5 have waived all objections unless at the time of hearing the
6 property owner has filed objections with the clerk.

7
8

Clerk

9 3. Not less than fifteen days before the hearing, the clerk
10 shall send a copy of the notice by mail to each property owner
11 whose property is subject to assessment for the improvement at
12 the address as shown by the records of the county auditor. If
13 a property is shown to be in the name of more than one owner
14 at the same mailing address, a single notice may be mailed
15 addressed to all owners at that address. Failure to receive a
16 mailed notice is not a defense to the special assessment.

17 Sec. 156. Section 389.2, Code 2009, is amended to read as
18 follows:

19 **389.2 Submission to voters.**

20 A joint water utility may be established by two or more
21 cities. A proposal to establish a joint water utility or to
22 join an existing joint water utility may be submitted to the
23 voters of a city by the city council upon its own motion, or
24 upon receipt of a valid petition pursuant to section 362.4.

25 1. If the proposal is to establish a joint water utility,
26 the proposal shall be submitted to the voters of each city
27 proposing to establish the joint water utility. If a majority
28 of the electorate in each of at least two cities approves the
29 proposal, the cities approving the proposal may establish a
30 joint water utility.

31 2. If the proposal is to join an existing joint water
32 utility, the proposal must first be submitted to the joint
33 water utility board for its approval. If the proposal is
34 approved by the board, the proposal shall be submitted to the
35 electorate of the city wishing to join. The proposal must

1 receive a majority affirmative vote for passage.

2 Sec. 157. Section 403.5, subsection 4, paragraph b, Code
3 2009, is amended to read as follows:

4 b. (1) The urban renewal plan conforms to the general plan
5 of the municipality as a whole; provided, that if the urban
6 renewal area consists of an area of open land to be acquired by
7 the municipality, such area shall not be so acquired except:

8 ~~(1)~~ (a) If it is to be developed for residential uses,
9 the local governing body shall determine that a shortage of
10 housing of sound standards and design with decency, safety, and
11 sanitation exists in the municipality; that the acquisition
12 of the area for residential uses is an integral part of and
13 essential to the program of the municipality; and that one or
14 more of the following conditions exist:

15 ~~(a)~~ (i) That the need for housing accommodations has been
16 or will be increased as a result of the clearance of slums in
17 other areas, including other portions of the urban renewal
18 area.

19 ~~(b)~~ (ii) That conditions of blight in the municipality and
20 the shortage of decent, safe, and sanitary housing cause or
21 contribute to an increase in and spread of disease and crime,
22 so as to constitute a menace to the public health, safety,
23 morals, or welfare.

24 ~~(c)~~ (iii) That the provision of public improvements related
25 to housing and residential development will encourage housing
26 and residential development which is necessary to encourage
27 the retention or relocation of industrial and commercial
28 enterprises in this state and its municipalities.

29 ~~(d)~~ (iv) The acquisition of the area is necessary to
30 provide for the construction of housing for low and moderate
31 income families.

32 ~~(2)~~ (b) If it is to be developed for nonresidential
33 uses, the local governing body shall determine that such
34 nonresidential uses are necessary and appropriate to facilitate
35 the proper growth and development of the community in

1 accordance with sound planning standards and local community
2 objectives.

3 (2) The acquisition of open land authorized in
4 ~~subparagraphs (1) and (2)~~ subparagraph (1), subparagraph
5 divisions (a) and (b) may require the exercise of governmental
6 action, as provided in this chapter, because of defective
7 or unusual conditions of title, diversity of ownership,
8 tax delinquency, improper subdivisions, outmoded street
9 patterns, deterioration of site, economic disuse, unsuitable
10 topography or faulty lot layouts, or because of the need for
11 the correlation of the area with other areas of a municipality
12 by streets and modern traffic requirements, or any combination
13 of such factors or other conditions which retard development of
14 the area. If such governmental action involves the exercise of
15 eminent domain authority, the municipality is subject to the
16 limitations of this chapter and chapters 6A and 6B.

17 Sec. 158. Section 403A.5, Code 2009, is amended to read as
18 follows:

19 **403A.5 Exercise of municipal housing powers — municipal**
20 **housing agency.**

21 1. Any municipality may create, in such municipality, a
22 public body corporate and politic to be known as the "Municipal
23 Housing Agency" of such municipality except that such agency
24 shall not transact any business or exercise its powers
25 hereunder until or unless the local governing body has elected
26 to exercise its municipal housing powers through such an agency
27 as prescribed in this section.

28 2. If the municipal housing agency is authorized to transact
29 business and exercise powers hereunder, the mayor, by and with
30 the advice and consent of the local governing body, shall
31 appoint a board of commissioners of the municipal housing
32 agency which board shall consist of five commissioners. The
33 term of office for three of the commissioners originally
34 appointed shall be two years and the term of office for two
35 of the commissioners originally appointed shall be one year.

1 Thereafter the term of office for each commissioner shall be
2 two years. In cities having a population of more than one
3 hundred thousand, the city council may establish, by ordinance,
4 the number of commissioners at not less than five.

5 3. A commissioner shall receive no compensation for
6 services, but shall be entitled to the necessary expenses,
7 including traveling expenses, incurred in the discharge of a
8 duty. Each commissioner shall hold office until a successor
9 has been appointed and has qualified. A certificate of the
10 appointment or reappointment of any commissioner shall be filed
11 with the clerk of the municipality, and the certificate shall
12 be conclusive evidence of the due and proper appointment of the
13 commissioner.

14 4. a. The powers of a municipal housing agency shall
15 be exercised by the commissioners. A majority of the
16 commissioners shall constitute a quorum for the purpose of
17 conducting business and exercising the powers of the agency,
18 and for all other purposes. Action may be taken by the agency
19 upon a vote of a majority of the commissioners present, unless
20 in any case the bylaws shall require a larger number. Any
21 persons may be appointed as commissioners if they reside within
22 the area of operation of the agency, which area shall be
23 conterminous with the area of operation of the municipality,
24 and if they are otherwise eligible for appointments under this
25 chapter.

26 b. The mayor shall designate a chairperson and vice
27 chairperson from among the commissioners. An agency may employ
28 an executive director, technical experts and such other agents
29 and employees, permanent and temporary, as it may require, and
30 the agency may determine their qualifications, duties, and
31 compensation. For such legal service as it may require, an
32 agency may employ or retain its own counsel and legal staff.
33 An agency authorized to transact business and exercise powers
34 under this chapter shall file, with the local governing
35 body, on or before September 30 of each year, a report of

1 its activities for the preceding fiscal year, which report
2 shall include a complete financial statement setting forth its
3 assets, liabilities, income, and operating expense as of the
4 end of such fiscal year. At the time of filing the report, the
5 agency shall publish in a newspaper of general circulation in
6 the community a notice to the effect that such report has been
7 filed with the municipality, and that the report is available
8 for inspection during business hours in the office of the city
9 clerk and in the office of the agency.

10 c. For inefficiency, or neglect of duty, or misconduct in
11 office, a commissioner may be removed by a majority vote of the
12 governing body of the municipality only after a hearing before
13 the body, and after the commissioner shall have been given a
14 copy of the charges at least ten days prior to such hearing,
15 and after the commissioner shall have had an opportunity to be
16 heard in person or by counsel.

17 5. A municipality may itself exercise the powers in
18 connection with municipal housing as defined in this chapter,
19 or may, if the local governing body by resolution determines
20 such action to be in the public interest, elect to have such
21 powers exercised by the municipal housing agency, if one
22 exists or is subsequently established in the community. In
23 the event the local governing body makes such determination,
24 the municipal housing agency shall be vested with all of the
25 municipal housing project powers in the same manner as though
26 all such powers were conferred on such agency instead of the
27 municipality. If the local governing body does not elect to
28 make such determination, the municipality in its discretion may
29 exercise its municipal housing project powers through a board
30 or commissioner, or through such officers of the municipality
31 as the local governing body may by resolution determine.

32 6. A municipality or a "Municipal Housing Agency" may not
33 proceed with a housing project until a study or a report and
34 recommendation on housing available within the community is
35 made public by the municipality or agency and is included in

1 its recommendations for a housing project. Recommendations
2 must receive majority approval from the local governing body
3 before proceeding on the housing project.

4 Sec. 159. Section 404.2, subsection 2, paragraph h, Code
5 2009, is amended to read as follows:

6 *h.* Any tax exemption schedule authorized in section 404.3,
7 subsection 5, that shall be used in lieu of the schedule set
8 out in section 404.3, subsection 1, 2, 3, or 4. In the case of
9 a county, the tax schedules used shall only be applicable to
10 property of the type for which the revitalization area is zoned
11 at the time the county designates the area a revitalization
12 area.

13 ~~In the case of a county, the tax schedules used shall only be~~
14 ~~applicable to property of the type for which the revitalization~~
15 ~~area is zoned at the time the county designates the area a~~
16 ~~revitalization area.~~

17 Sec. 160. Section 411.5, subsection 9, Code 2009, is amended
18 to read as follows:

19 9. *Duties of actuary.*

20 *a.* The actuary shall be the technical advisor of the system
21 on matters regarding the operation of the fire and police
22 retirement fund and shall perform such other duties as are
23 required in connection with the operation of the system.

24 *b.* The actuary shall make such investigation of anticipated
25 interest earnings and of the mortality, service, and
26 compensation experience of the members of the system as the
27 actuary recommends, and on the basis of the investigation the
28 system shall adopt such tables and such rates as are required
29 in subsection 11.

30 Sec. 161. Section 411.30, Code 2009, is amended to read as
31 follows:

32 **411.30 Transfer of membership.**

33 1. Upon the written approval of the applicable county
34 board of supervisors and city council, to the Iowa public
35 employees' retirement system, a vested member of the Iowa

1 public employees' retirement system on June 30, 1986, who meets
2 all of the following requirements shall become a member of a
3 retirement system under this chapter on July 1, 1986:

4 ~~1.~~ a. Was a vested member of the retirement system
5 established in this chapter on June 30, 1973.

6 ~~2.~~ b. Was an elected bailiff of a municipal court on June
7 30, 1973.

8 ~~3.~~ c. Became a deputy sheriff on July 1, 1973, and pursuant
9 to 1972 Iowa Acts, chapter 1124, section 43, continued coverage
10 under a retirement system under this chapter.

11 ~~4.~~ d. Upon election as a county sheriff, was transferred
12 from membership under this chapter to membership in a
13 retirement system established in chapter 97B.

14 2. The Iowa public employees' retirement system shall
15 transfer to the board of trustees of the applicable retirement
16 system under this chapter an amount equal to the total of the
17 accumulated contributions of the member as defined in section
18 97B.1A, subsection 2, together with the employer contribution
19 for that period of service plus the interest that accrued on
20 the contributions for that period equal to two percent plus
21 the interest dividend rate applicable for each year. The
22 board of trustees of the applicable retirement system under
23 this chapter shall credit the member whose contributions are
24 transferred under this section with membership service under
25 this chapter for the period for which the member was covered
26 under the Iowa public employees' retirement system. If the
27 amount of the accumulated contributions as defined in section
28 97B.1A, subsection 2, transferred is less than the amount that
29 would have been contributed under section 411.8, subsection
30 1, paragraph "f", at the rates in effect for the period for
31 which contributions were made plus the interest that would have
32 accrued on the amount, the member shall pay the difference
33 together with interest that would have accrued on the amount.

34 3. a. If the amount of the employer contributions
35 transferred is less than the amount that would have been

1 contributed by the employer under section 411.5, subsection
 2 12, paragraph "b", plus the interest that would have accrued
 3 on the contributions, the board of trustees of the applicable
 4 retirement system under this chapter shall determine the
 5 remaining contribution amount due. The board of trustees shall
 6 notify the county board of supervisors of the county in which
 7 the sheriff was elected of the remaining amount to be paid to
 8 the retirement system under this chapter.

9 b. The county board of supervisors shall forthwith pay to
 10 the board of trustees of the applicable retirement system the
 11 remaining amount to be paid from moneys in the county general
 12 fund.

13 4. From July 1, 1986, the county board of supervisors
 14 of the county in which the sheriff was elected shall deduct
 15 the contribution required of the member under section 411.8,
 16 subsection 1, paragraph "f", from the member's earnable
 17 compensation and the county shall pay from the county general
 18 fund an amount equal to the normal rate of contribution
 19 multiplied by the member's earnable compensation to the
 20 applicable retirement system for the period in which the member
 21 remains sheriff or deputy sheriff of that county.

22 DIVISION III

23 INTERNAL REFERENCE CHANGES

24 Sec. 162. Section 123.38, unnumbered paragraph 2, Code
 25 2009, is amended to read as follows:

26 Any licensee or permittee, or the licensee's or permittee's
 27 executor or administrator, or any person duly appointed by the
 28 court to take charge of and administer the property or assets
 29 of the licensee or permittee for the benefit of the licensee's
 30 or permittee's creditors, may voluntarily surrender a license
 31 or permit to the division. When a license or permit is
 32 surrendered the division shall notify the local authority, and
 33 the division or the local authority shall refund to the person
 34 surrendering the license or permit, a proportionate amount of
 35 the fee received by the division or the local authority for

1 the license or permit as follows: if a license or permit is
 2 surrendered during the first three months of the period for
 3 which it was issued, the refund shall be three-fourths of the
 4 amount of the fee; if surrendered more than three months but
 5 not more than six months after issuance, the refund shall be
 6 one-half of the amount of the fee; if surrendered more than
 7 six months but not more than nine months after issuance, the
 8 refund shall be one-fourth of the amount of the fee. No refund
 9 shall be made, however, for any special liquor permit, nor
 10 for a liquor control license, wine permit, or beer permit
 11 surrendered more than nine months after issuance. For purposes
 12 of this paragraph, any portion of license or permit fees used
 13 for the purposes authorized in section 331.424, subsection 1,
 14 ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2),
 15 and in section 331.424A, shall not be deemed received either
 16 by the division or by a local authority. No refund shall be
 17 made to any licensee or permittee, upon the surrender of the
 18 license or permit, if there is at the time of surrender, a
 19 complaint filed with the division or local authority, charging
 20 the licensee or permittee with a violation of this chapter.
 21 If upon a hearing on a complaint the license or permit is
 22 not revoked or suspended, then the licensee or permittee is
 23 eligible, upon surrender of the license or permit, to receive
 24 a refund as provided in this section; but if the license or
 25 permit is revoked or suspended upon hearing the licensee or
 26 permittee is not eligible for the refund of any portion of the
 27 license or permit fee.

28 Sec. 163. Section 144.36, subsection 4, Code 2009, is
 29 amended to read as follows:

30 4. The county registrar shall record and forward to the
 31 state registrar on or before the tenth day of each calendar
 32 month the original certificates of marriages filed with the
 33 county registrar during the preceding calendar month and the
 34 fees collected by the county registrar on behalf of the state
 35 for applications for a license to marry in accordance with

1 section 331.605, subsection 7 1, paragraph "g".

2 Sec. 164. Section 144.46, subsection 2, Code 2009, is
3 amended to read as follows:

4 2. Fees collected by the state registrar and by the county
5 registrar on behalf of the state under this section shall
6 be deposited in the general fund of the state and the vital
7 records fund established in section 144.46A in accordance with
8 an apportionment established by rule. Fees collected by the
9 county registrar pursuant to section 331.605, subsection 6 1,
10 paragraph "f", shall be deposited in the county general fund.

11 Sec. 165. Section 218.99, Code 2009, is amended to read as
12 follows:

13 **218.99 Counties to be notified of patients' personal**
14 **accounts.**

15 The administrator in control of a state institution shall
16 direct the business manager of each institution under the
17 administrator's jurisdiction which is mentioned in section
18 331.424, subsection 1, ~~paragraphs "a" and "b"~~ paragraph "a",
19 subparagraphs (1) and (2), and for which services are paid
20 under section 331.424A, to quarterly inform the county of legal
21 settlement's entity designated to perform the county's central
22 point of coordination process of any patient or resident who
23 has an amount in excess of two hundred dollars on account in
24 the patients' personal deposit fund and the amount on deposit.
25 The administrators shall direct the business manager to further
26 notify the entity designated to perform the county's central
27 point of coordination process at least fifteen days before the
28 release of funds in excess of two hundred dollars or upon the
29 death of the patient or resident. If the patient or resident
30 has no county of legal settlement, notice shall be made to the
31 director of human services and the administrator in control of
32 the institution involved.

33 Sec. 166. Section 303A.4, subsection 2, Code 2009, is
34 amended to read as follows:

35 2. An Iowa cultural trust fund is created in the office

1 of the treasurer of state for the purpose of receiving moneys
2 appropriated by the general assembly and any other moneys
3 available to the trust fund due to the issuance of trust
4 fund credits by the director as provided in section 303.1A,
5 subsection 6 1, paragraph "f".

6 Sec. 167. Section 303A.6, subsection 2, Code 2009, is
7 amended to read as follows:

8 2. Approve or disapprove the grants recommended for
9 approval by the director, in consultation with the Iowa arts
10 council and the state historical society of Iowa, in accordance
11 with section 303.1A, subsection 6 1, paragraph "e" "f",
12 subparagraph (3). The board may delete any recommendation, but
13 shall not add to or otherwise amend the list of recommended
14 grants.

15 Sec. 168. Section 307.10, subsection 15, Code 2009, is
16 amended to read as follows:

17 15. Approve all rules prior to their adoption by the
18 director pursuant to section 307.12, subsection ~~10~~ 1, paragraph
19 "j".

20 Sec. 169. Section 321.12, subsection 3, paragraph a, Code
21 2009, is amended to read as follows:

22 a. Records concerning suspensions authorized under section
23 321.210, subsection 1, paragraph ~~"g"~~ "a", subparagraph (7),
24 and section 321.210A may be destroyed six months after the
25 suspension is terminated and the requirements of section
26 321.191 have been satisfied.

27 Sec. 170. Section 321.180A, subsections 1 and 3, Code 2009,
28 are amended to read as follows:

29 1. Notwithstanding other provisions of this chapter, a
30 person with a physical disability, who is not suffering from
31 a convulsive disorder and who can provide a favorable medical
32 report, whose license renewal has been denied under section
33 321.177, subsection 6 or 7, or whose driver's license has
34 been suspended under section 321.210, subsection 1, paragraph
35 ~~"e"~~ "a", subparagraph (3), upon meeting the requirements of

1 section 321.186, other than a driving demonstration or the
 2 person's limitations which caused the denial under section
 3 321.177, subsection 6 or 7, or suspension under section
 4 321.210, subsection 1, paragraph ~~"c"~~ "a", subparagraph (3),
 5 and upon paying the fee required in section 321.191, shall be
 6 issued a special instruction permit by the department. Upon
 7 issuance of the permit the denial or suspension shall be stayed
 8 and the stay shall remain in effect as long as the permit is
 9 valid.

10 3. The permittee may apply for a driver's license if thirty
 11 days have elapsed since issuance of the special instruction
 12 permit. The department shall issue a driver's license if the
 13 permittee is qualified, passes all required tests, including
 14 a driving test, and pays the required fees. If the person
 15 has not obtained a driver's license before expiration of the
 16 person's special instruction permit, the person's former
 17 denial or suspension under section 321.177, subsection 6
 18 or 7, or section 321.210, subsection 1, paragraph ~~"c"~~ "a",
 19 subparagraph (3), upon service of notice by the department,
 20 shall be reinstated. A permit shall be reissued for one
 21 additional six-month period if a permittee continues to meet
 22 the qualifications of subsection 1 and has incurred no motor
 23 vehicle violations.

24 Sec. 171. Section 321.191, subsection 8, Code 2009, is
 25 amended to read as follows:

26 8. *Driver's license reinstatements.* The fee for
 27 reinstatement of a driver's license shall be twenty dollars
 28 for a license which is, after notice and opportunity for
 29 hearing, canceled, suspended, revoked, or barred. However,
 30 reinstatement of the privilege suspended under section 321.210,
 31 subsection 1, paragraph ~~"c"~~ "a", subparagraph (3), shall be
 32 without fee. The fee for reinstatement of the privilege
 33 to operate a commercial motor vehicle after a period of
 34 disqualification shall be twenty dollars.

35 Sec. 172. Section 321.210, subsection 2, paragraph c, Code

1 2009, is amended to read as follows:

2 *c.* Parking violations, meaning violation of a local
3 authority parking ordinance or violation of sections 321L.4,
4 321.366, subsection 6 1, paragraph "f", and 321.354 through
5 321.361 except section 321.354, subsection 1.

6 Sec. 173. Section 321.210C, subsection 1, Code 2009, is
7 amended to read as follows:

8 1. A person whose driver's license or operating privileges
9 have been suspended, revoked, or barred under this chapter
10 for a conviction of a moving traffic violation, or suspended,
11 revoked, or barred under section 321.205 or section 321.210,
12 subsection 1, paragraph "e" "a", subparagraph (5), must
13 satisfactorily complete a twelve-month probation period
14 beginning immediately after the end of the period of
15 suspension, revocation, or bar. Upon a second conviction of a
16 moving traffic violation which occurred during the probation
17 period, the department may suspend the driver's license or
18 operating privileges for an additional period equal in duration
19 to the original period of suspension, revocation, or bar, or
20 for one year, whichever is the shorter period.

21 Sec. 174. Section 321.218, subsection 3, paragraph a, Code
22 Supplement 2009, is amended to read as follows:

23 *a.* The department, upon receiving the record of the
24 conviction of a person under this section upon a charge of
25 operating a motor vehicle while the license of the person is
26 suspended or revoked, shall, except for licenses suspended
27 under section 252J.8, 321.210, subsection 1, paragraph "e" "a",
28 subparagraph (3), or section 321.210A or 321.513, extend the
29 period of suspension or revocation for an additional like
30 period or for one year, whichever period is shorter, and the
31 department shall not issue a new driver's license to the person
32 during the extended period.

33 Sec. 175. Section 321.415, subsection 1, paragraphs a and b,
34 Code 2009, are amended to read as follows:

35 *a.* Whenever a driver of a vehicle approaches an oncoming

1 vehicle within one thousand feet, the driver shall use a
 2 distribution of light, or composite beam, so aimed that the
 3 glaring rays are not projected into the eyes of the oncoming
 4 driver. The lowermost distribution of light, or composite
 5 beam, specified in section 321.409, subsection 2 1, paragraph
 6 "b", shall be deemed to avoid glare at all times, regardless of
 7 road contour and loading.

8 **b.** Whenever the driver of a vehicle follows another vehicle
 9 within four hundred feet to the rear, except when engaged in
 10 the act of overtaking and passing, the driver shall use a
 11 distribution of light permissible under this chapter other
 12 than the uppermost distribution of light specified in section
 13 321.409, subsection 1, paragraph "a".

14 Sec. 176. Section 321A.17, subsection 4, Code Supplement
 15 2009, is amended to read as follows:

16 4. An individual applying for a driver's license following a
 17 period of suspension or revocation pursuant to a dispositional
 18 order issued under section 232.52, subsection 2, paragraph
 19 "a", or under section 321.180B, section 321.210, subsection
 20 1, paragraph ~~"a"~~ "a", subparagraph (4), or section 321.210A,
 21 321.213A, 321.213B, 321.216B, or 321.513, following a period
 22 of suspension under section 321.194, or following a period
 23 of revocation pursuant to a court order issued under section
 24 901.5, subsection 10, or under section 321J.2A, is not required
 25 to maintain proof of financial responsibility under this
 26 section.

27 Sec. 177. Section 331.301, subsection 12, Code Supplement
 28 2009, is amended to read as follows:

29 12. The board of supervisors may credit funds to a reserve
 30 for the purposes authorized by subsection 11 of this section;
 31 section 331.424, subsection 1, paragraph ~~"f"~~ "a", subparagraph
 32 (6); and section 331.441, subsection 2, paragraph "b". Moneys
 33 credited to the reserve, and interest earned on such moneys,
 34 shall remain in the reserve until expended for purposes
 35 authorized by subsection 11 of this section; section 331.424,

1 subsection 1, paragraph ~~"f"~~ "a", subparagraph (6); or section
2 331.441, subsection 2, paragraph "b".

3 Sec. 178. Section 331.610, Code 2009, is amended to read as
4 follows:

5 **331.610 Abolition of office of recorder — identification of**
6 **office — place of filing.**

7 If the office of county recorder is abolished in a county,
8 the auditor of that county shall be referred to as the county
9 auditor and recorder. After abolition of the office of county
10 recorder, references in the Code requiring filing or recording
11 of documents with the county recorder shall be deemed to
12 require the filing in the office of the county auditor and
13 recorder, and all duties of the abolished office of recorder
14 shall be performed by the county auditor and recorder.
15 However, the board of supervisors may direct that any of
16 the duties of the abolished office of recorder prescribed
17 in section 331.602, subsection 9, 10, 11, or 16, or section
18 331.605, subsection 1, ~~2, 3, 4~~ paragraphs "a", "b", "c", "d",
19 or 5 "e", shall be performed by other county officers or
20 employees as provided in section 331.323.

21 Sec. 179. Section 368.7, subsection 3, Code 2009, is amended
22 to read as follows:

23 3. An application for annexation of territory within an
24 urbanized area of a city other than the city to which the
25 annexation is directed must be approved both by resolution of
26 the council which receives the application and by the board.
27 The board shall not approve an application which creates an
28 island. Notice of the application shall be mailed by certified
29 mail, by the city to which the annexation is directed, at least
30 fourteen business days prior to any action by the city council
31 on the application to the council of each city whose boundary
32 adjoins the territory or is within two miles of the territory,
33 to the board of supervisors of each county which contains a
34 portion of the territory, each affected public utility, and
35 to the regional planning authority of the territory. Notice

1 of the application shall be published in an official county
 2 newspaper in each county which contains a portion of the
 3 territory at least ten business days prior to any action by the
 4 city council on the application. The annexation is completed
 5 when the board has filed and recorded copies of applicable
 6 portions of the proceedings as required by section 368.20,
 7 subsection 2 1, paragraph "b".

8 DIVISION IV

9 DIRECTIVES

10 Sec. 180. CODE EDITOR DIRECTIVES.

11 1. The Code editor is directed to number or renumber to
 12 eliminate unnumbered paragraphs in sections 256.33, 256B.4,
 13 256B.6, 260C.31, 260C.66, 260C.69, 261.83, 261A.15, 262.25,
 14 262A.13, 275.16, 277.4, 285.2, 305B.11, 306.22, 307.22, 309.10,
 15 311.7, 313.3, 313.5, 321.31, 321.68, 321.193, 321.211, 321.473,
 16 321.475, 321.476, 321E.28, 321I.15, 321L.3, 322.9, 322A.15,
 17 322C.12, 326.19A, 326.25, 327D.13, 327F.27, 327G.4, 327G.15,
 18 327G.29, 327G.32, 331.254, 331.261, 354.10, 354.12, 354.22,
 19 356.26, 357.1A, 357A.2, 357A.18, 357A.20, 357C.1A, 357C.5,
 20 359.52, 362.3, 372.1, 376.6, 384.18, 389.3, 400.7, 403A.14, and
 21 420.43, Code 2009, in accordance with established Code section
 22 hierarchy and correct internal references in the Code and in
 23 any enacted Iowa Acts as necessary.

24 2. The Code editor is directed to number, renumber,
 25 designate, or redesignate to eliminate unnumbered paragraphs
 26 within section subunits in sections 22.1, subsection 3;
 27 256.11, subsection 5, paragraphs "g", "h", and "j"; 256.12,
 28 subsection 2; 256.52, subsection 3; 257.3, subsection 1; 257.6,
 29 subsections 3 and 5; 257.32, subsection 1; 257.37, subsection
 30 5; 258.17, subsections 2 and 3; 260C.18B, subsection 1;
 31 260C.72, subsection 1; 261.17, subsection 3; 261.38, subsection
 32 5; 261.126, subsection 4; 266.39, subsections 3 and 4; 273.8,
 33 subsection 8; 273.27, subsection 1; 279.10, subsection 3;
 34 279.15, subsection 2; 280.15, subsection 2; 282.3, subsection
 35 2; 282.4, subsection 2; 285.5, subsection 1; 296.7, subsections

1 1 and 4; 299A.4, subsection 7; 303.16, subsection 5; 303.16,
2 subsection 9, paragraph "a"; 306.4, subsection 4; 313.2A,
3 subsection 2; 316.2, subsection 3; 321.34, subsections 2, 8,
4 8A, 15, 16, 17, 18, 19, 20, 20A, and 20B; 321.48, subsection 1;
5 321.69, subsections 7 and 10; 321.109, subsection 2; 321.124,
6 subsection 3, paragraph "h"; 321.166, subsection 1; 321.180,
7 subsection 1, paragraphs "a" and "b"; 321.180B, subsections 1
8 and 2; 321.189, subsection 1; 321.201, subsection 1; 321.372,
9 subsections 1 and 3; 321.445, subsection 2; 321.471, subsection
10 1; 321A.2, subsection 1; 321A.5, subsection 3; 321G.13,
11 subsection 1; 321J.4B, subsection 5, paragraph "f"; 321J.20,
12 subsection 1, paragraph "c"; 321J.24, subsection 5; 322.3,
13 subsection 13; 322.19, subsection 1; 322G.4, subsections
14 1, 2, and 3; 322G.6, subsection 3; 324A.6, subsection 1;
15 331.238, subsection 2; 331.248, subsection 4; 331.249,
16 subsections 2 and 7; 331.260, subsection 2; 331.323, subsection
17 1; 331.426, subsection 2; 331.463, subsection 1; 331.659,
18 subsection 1; 331.904, subsection 1; 350.4, subsection 9;
19 352.5, subsection 3; 356.7, subsection 5; 357A.24, subsection
20 4; 359.49, subsection 8; 368.7, subsection 1, paragraph
21 "b", and subsection 4; 368.11, subsection 3, paragraph "m";
22 372.4, subsection 1; 373.2, subsection 2; 373.11, subsection
23 1; 384.38, subsection 3; 384.65, subsection 4; 384.82,
24 subsection 1; 384.103, subsection 2; 386.3, subsection 3;
25 403.5, subsection 2; 403.8, subsection 2; 403.9, subsection
26 3; 403.19, subsection 5, paragraph "a"; 403.22, subsection
27 1; 404.2, subsection 5; 411.6B, subsection 1, paragraph "b";
28 411.8, subsection 1, paragraph "g"; and 411.21, subsection 7,
29 Code 2009, and correct internal references in the Code and in
30 any enacted Iowa Acts as necessary.

31 3. The Code editor is directed to number or renumber
32 to eliminate unnumbered paragraphs within section subunits
33 in sections 10A.108, subsection 1; 321L.5, subsection 6;
34 and 411.36, subsection 1, Code Supplement 2009, and correct
35 internal references in the Code and in any enacted Iowa Acts

1 as necessary.

2 4. a. The Code editor is directed to strike the words
 3 "title" or "Title" and insert "Tit." within federal Act
 4 references in sections 13.31, subsections 1 and 6; 15E.192,
 5 subsection 2; 15E.195, subsections 1 and 2; 30.1, subsection
 6 3; 47.1, subsection 5; 96.11, subsection 10, paragraph "c";
 7 97C.1; 97C.2, subsections 2, 5, and 7; 97C.3, unnumbered
 8 paragraph 1, and subsections 1 and 2; 135C.9, subsection
 9 1, paragraph "b"; 142A.8, subsection 2; 203C.1, subsection
 10 26; 207.21, subsections 1, 4, and 5; 207.22, subsection 3,
 11 paragraph "b"; 217.38; 228.1, subsection 7; 230.20, subsection
 12 6; 232.1A; 234.6, subsection 1; 249.1, subsection 3; 249A.2,
 13 subsections 1, 4, 6, 7, and 8; 249A.20A, subsection 5; 249A.24,
 14 subsection 2, paragraph "b"; 249B.1, subsections 6 and 7;
 15 249F.1, subsection 1; 249F.8; 249J.3, subsection 8; 249J.10,
 16 subsection 3; 249J.22, subsection 3; 252B.6, subsection
 17 3; 252B.9, subsection 2, paragraph "b", subparagraph (1),
 18 subsection 3, paragraphs "c", "d", "e", subparagraph (1), and
 19 "f"; 252B.14, subsection 5; 252D.20; 252E.15; 259.2, unnumbered
 20 paragraph 2; 259.9; 260C.18A, subsection 2, paragraph "c";
 21 306B.1, subsections 3 and 4; 307.10, subsection 13; 321.105,
 22 subsection 5; 321.450, subsections 1 and 3; 403.6, subsection
 23 7; 455B.133, subsection 3 and subsection 8, paragraph "a";
 24 459A.102, subsection 19; 483A.4, subsection 1; 486A.101,
 25 subsection 2, paragraph "a"; 488.102, subsection 3, paragraph
 26 "a"; 490A.102, subsection 2; 514.7, subsections 2 through
 27 4; 514B.1, subsection 5, paragraphs "b" through "d"; 514C.8,
 28 subsection 1; 514F.4, subsection 2, paragraph "a"; 514I.9,
 29 subsection 1; 523A.401, subsection 5, paragraph "a"; 523A.402,
 30 subsection 5, paragraph "a"; 523A.602, subsection 3; 534.205,
 31 subsection 1; 541A.1, subsection 8, paragraph "b", subparagraph
 32 (2); and 541A.6, Code 2009.

33 b. The Code editor is directed to strike the word "title"
 34 or "Title" and insert "Tit." within federal Act references in
 35 section 35.1, subsection 2, paragraph "b", subparagraphs (1)

1 and (2), Code Supplement 2009.

2 c. The Code editor is directed to strike the word "Title"
3 and "Part" and insert "Tit." and "pt." within federal Act
4 references in sections 257.50 and 261.86, subsection 5, Code
5 2009.

6 d. The Code editor is directed to strike the words "Title",
7 "subtitle", "Part", and "Subpart" and insert "Tit.", "subtit.",
8 "pt.", and "subpt.", where applicable, within federal Act
9 references in sections 256.10A; 256F.3, subsection 1; and
10 476.42, subsection 1, unnumbered paragraph 2 and subsection 4,
11 unnumbered paragraph 2, Code 2009.

12 e. The Code editor is directed to strike the word "Title"
13 and "subchapter" and insert "Tit." and "subch." within a
14 federal Act reference in section 537.1302, Code 2009.

15 f. The Code editor is directed to strike the words
16 "subchapter" and "part" and insert "pt." within a Code of
17 federal regulations reference in section 162.20, subsection 5,
18 paragraph "c", Code 2009.

19 DIVISION V

20 EFFECTIVE DATES

21 Sec. 181. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
22 APPLICABILITY. The following provision or provisions of this
23 Act, being deemed of immediate importance, take effect upon
24 enactment and apply retroactively to July 1, 2009:

25 1. The section of this Act striking 2009 Iowa Acts, chapter
26 9, section 6, subsection 1.

27 2. The section of this Act repealing 2009 Iowa Acts, chapter
28 133, sections 228 and 247.

29 3. The section of this Act repealing 2009 Iowa Acts, chapter
30 170, section 3.

31 4. The section of this Act amending 2009 Iowa Acts, chapter
32 179, section 30.

33 5. The section of this Act amending 2009 Iowa Acts, chapter
34 179, sections 201 and 202.

35 Sec. 182. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

1 APPLICABILITY. The section of this Act amending 2009 Iowa
2 Acts, chapter 100, section 35, takes effect upon enactment and
3 applies retroactively to May 12, 2009.